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**THE  
HISTORY OF POLITICAL SCIENCE  
FROM PLATO TO THE PRESENT**





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THE HISTORY OF  
POLITICAL SCIENCE  
FROM PLATO TO THE PRESENT

BY THE REV.  
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Reformation," etc.*

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*To George Peabody Gooch  
With ever-increasing admiration  
For his historical writing*

## Preface

ON the principle that first things come first, I concern myself with only the most important thinkers in political science. Accordingly there are many omissions of men I should like to discuss. This is unavoidable in a book of this size. Throughout it I endeavour, by comparison and by instance, to bring out the modernity of the problems I discuss. For the more I work at the past the more I realise its influence on the present. Is there a single controversy of our day without a pedigree stretching into distant ages? I know of none. After the beginning of the seventeenth century much attention is bestowed upon American thinkers. The theories of the founders of the thirteen colonies and of the fathers of the American Republic alike receive analysis. Nor is it possible to avoid consideration of the interaction of American theories upon Europe, and, indeed, the influence of the theories of the thinkers of one nation upon the destinies of another forms one of the most fascinating chapters of modern politics. For my book is essentially a history of "idées-forces," and not merely of literary ideas.

At the end of each chapter there is a bibliography, and at the end of the last chapter there is also a general bibliography. There is a chronology of the writings of the political philosophers. I am well aware that there are many more names for the years after 1859 than for the years before that date. This is done deliberately, not because these works are very important, but because I hope the list will prove useful for reference to the writers of the past and present generations.

To Mr. Laski I owe much for the care and the kindness with which he read my manuscript and for the helpful suggestions he was good enough to contribute. My wife gave me the benefit of her searching criticism. To both I tender my warmest thanks.

ROBERT H. MURRAY.

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24th August, 1925.

## Second Edition

THE whole book has been revised and a connected account of Hegel's thought has been added. In this work Mr. Oakeshott gave me able assistance.

ROBERT H. MURRAY.

PERSHORE ABBEY.

*26th June, 1929.*

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## Chapter I.

### PLATO AND ARISTOTLE.

NOTHING stands out as more characteristic in Greek political feeling than the almost religious attachment to the State. The Athenians of Pericles's time considered their very lives not their own, but the possession of the city, through which alone their lives were free and worth keeping. Greek patriotism blended the emotions of school and family, of religion and politics, into one passionate whole. When art and learning reinforced the natural beauty of Athens, it is easy to understand that the Greek citizen, as Pericles said, needed but to look at his city of Athens to fall in love with her. This love is wrought into the innermost fibre of Plato (B.C. c. 427-347) and Aristotle (B.C. 384-322). Both were no mere recluses. They were men of the world acquainted with the courts of princes. To them the city was a State, well worthy of a man's loyalty, and the service of that State was an honour to be sought, not a burden to be avoided. Their city was a community of persons who knew one another. Their society was based on kinship—not on land—and naturally such a society recognised the legal rights of all who are of the kin. Education was as important in Plato's *Protagoras*, and especially in his *Republic*, as it was in the *Politics* of Aristotle. The books of both thinkers are essentially practical, and are meant as manuals for statesmen.

The State of Plato and Aristotle has as its mission the positive furtherance of goodness. Though they did not forget the indicative mood, they wrote their conceptions in the imperative. Political philosophy was to them at least as much an art as a science. They realised, to use the words of the *Republic*, that "States do not come out of an oak or a rock, but from the characters of the men that dwell therein." They felt that the citizens of a democracy received wages for political services rendered, which was



legitimate, but they also felt that these citizens sometimes proceeded to pillage the rich, which was illegitimate. In spite of such a failing, both thought that there was in human nature a certain imperfect presence of God, and that it was this divine presence which changed it into true human nature. The State of both is a Church and a State as well as a political institution. As is the body to the soul, so is the State to justice, the ideal of perfection in human relationships. The same word justice serves Aristotle, as it served Plato, for goodness and law-abidingness, for the virtue of the man as well as for the virtue of the citizen. Both contrast abstract justice and rightful laws with the actual laws and customs that prevail all around them. There is a law of nature.

In the eyes of Plato and Aristotle, the State is large enough to be self-sufficing and yet not too large to allow a unity of interest and of feeling among its members. For they conceived that the individual is not a self-sufficient moral being. He needs what others have to give, and they what he has to bestow. Whole-heartedly would they have subscribed to the view of Burke when he laid down that "*Idem sentire de republica* was with them a principal ground of friendship and attachment; nor do I know any other capable of forming firmer, dearer, more pleasing, more honourable, and more virtuous habitudes." Fellowship in Athens meant equality, the equality that comes from a living City-State, with common needs and common intercourse, with market places where they met, and with shrines and temples where they worshipped. Both believed in the correspondence of rights and duties, and this correspondence meant for them justice. A right must answer proportionately to duty done; otherwise, it is sheer injustice. If A and B are two citizens whose virtues differ, the rights a, which are A's ought to differ in amount from the rights b, which are B's, in the manner of  $A : B :: A+a : B+b$ . In fact, equality to them means not equal rights for all, a proposition they would not have understood, but equal rights for equal capacities. To bestow equal rights on citizens with unequal virtues is, in their considered judgment, the essence of inequality.

Men lived honourably for Athens, and were content, if need be, to die for the City of the Violet Crown. In an oration of undying eloquence, which is not merely a great Greek speech, but is also one of the great speeches of the world, Pericles pronounces the funeral panegyric of those fallen in the war. "There is no exclusiveness," he holds, "in our public life, and in our private intercourse. We are not suspicious of one another, nor angry with our neighbour if he does what he likes; we do not put on sour looks at him which, though harmless, are not pleasant. And we have not forgotten to provide for our weary spirits many relaxations from toil; we have regular games and sacrifices throughout the year; at home the style of our life is refined; and the delight which we daily feel in all these things helps to banish melancholy. Because of the greatness of our city the fruits of the whole earth flow in upon us; so that we enjoy the goods of other countries as freely as our own.

"Then again our military training is in many respects superior to that of our adversaries. Our city is thrown open to the world, and we never expel a foreigner or prevent him from seeing or learning anything, of which the secret if revealed to an enemy might profit him. We rely not upon management or trickery, but upon our own hearts and hands. And in the matter of education whereas they from early youth are always undergoing laborious exercises which are to make them brave, we live at ease, and yet are equally ready to face the perils which they face.

"If we prefer to meet danger with a light heart but without laborious training, and with a courage which is gained by habit and not enforced by law, are we not greatly the gainers? Since we do not anticipate the pain, although, when the hour comes, we can be as brave as those who never allow themselves to rest; and thus too our city is equally admirable in peace and in war. For we are lovers of the beautiful, yet simple in our tastes, and we cultivate the mind without loss of manliness. Wealth we employ, not for talk and ostentation, but when there is a real use for it. To avow poverty with us is no disgrace; the true disgrace is in doing nothing to avoid it. An Athenian citizen

does not neglect the State because he takes care of his own household; and even those of us who are engaged in business have a very fair idea of politics. We alone regard a man who takes no interest in public affairs, not as a harmless, but as a useless character; and if few of us are originators, we are all sound judges of a policy. The great impediment to action is, in our opinion, not discussion, but the want of that knowledge which is gained by discussion preparatory to action. For we have a peculiar power of thinking before we act and of acting too, whereas other men are courageous from ignorance but hesitate upon reflection."

Then Pericles describes the bravery and the ability of his fellow citizens, proudly claiming that "the individual Athenian in his own person seems to have the power of adapting himself to the most varied forms of action with the utmost versatility and grace." In truth, "we shall not be without witnesses; there are mighty monuments of our power which will make us the wonder of this and succeeding ages; we shall not need the praises of Homer or any other panegyrist whose poetry may please for the moment, although his representation of the facts will not bear the light of day. For we have compelled every land and every sea to open a path for our valour, and have everywhere planted eternal memorials of our friendship and of our enmity. Such is the city for whose sake these men nobly fought and died; they could not bear the thought that she might be taken from them; and everyone of us who survive should gladly toil on her behalf. I would have you day by day fix your eyes upon the greatness of Athens, until you become filled with the love of her; and when you are impressed by the spectacle of her glory, reflect that this empire has been acquired by men who knew their duty and had the courage to do it, who in the hour of conflict had the fear of dishonour always present to them, and who, if ever they failed in an enterprise, would not allow their virtues to be lost to their country, but freely gave their lives to her as the fairest offering which they could present at her feast. The sacrifice which they collectively made was individually repaid to them; for they received again and again each one for himself a praise which

grows not old and the noblest of all sepulchres. I speak not of that in which their remains are laid, but of that in which their glory survives and is proclaimed always and on every fitting occasion both in word and deed. For the whole earth is the sepulchre of famous men; not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial of them graven not on stone but in the hearts of men. Make them your examples."

The inspiration of the life indicated by the words of Pericles is to be found in the writings of Plato, and a philosophy like his had gradually converted the soul of the Greek to the service of his State. In his three great dialogues the *Republic*, finished about 386 B.C., the *Politicus* finished about 360 B.C., and the *Laws*, published posthumously, he sets forth his political ideals. The *Republic* is at once a treatise on metaphysics and a treatise on moral philosophy, a treatise on political science and a treatise on education. Did not Rousseau maintain that "the *Republic* is not a work upon politics, but the finest treatise on education that ever was written"? Is it unfair to regard the *Republic* as standing half-way between Hegel's *Philosophy of Mind* and Carlyle's *Sartor Resartus*? For it combines the philosophical breadth of the one with the glowing sense of the spiritual foundations of life which form the mark of the other. Plato and Carlyle are each the Isaiah of his century, according to Pöhlmann. Each preached the verity which is beyond shams, and each preached the duty of man to do his duty in his station. Each believed in the philosophic ruler or the philosophic legislator who should imbue the letter of the law with the spirit of wisdom and understanding. The history of the past was of distinctive utility to men of the present. Both Thucydides and Polybius base their view that history possesses genuine value for men of affairs, on the assumption that similar situations recur, and that the problems of the past will recur for solution in the future. Polybius, like Machiavelli and Guicciardini, presents us with a cyclical movement in history. At the end of each cycle a new circuit begins, and history follows, as it were, along the line of its former tracks.

Plato was a practical idealist who, when he was between sixty and seventy, attempted in Sicily to turn a tyrant into a philosophic ruler. His disciples made similar attempts that were not altogether unsuccessful. Xenocrates gave counsel to the great Alexander, and he also gave counsel to the Athenians. Nor was Platonic influence devoid of effect on Alexander, the champion of Greece against Persia, and on Dionysius II, the champion of Greece against Carthage. Over the development of law Plato's ideas exercised deep and lasting effects. Law constituted the cement of the City-State. To Pindar it is "the King"; to Herodotus it is "the Master"; and to Plato the citizens are "the Slaves" of the law. Socrates questioned what was in heaven and earth, and what was under the earth. But he recognised the law as his lord. True, though Plato admits this lordship in the *Crito* and in the *Laws*, he refuses to admit it in the *Politicus* and in the *Republic*. But this refusal really meant that he cared for the spirit of justice more than he cared for the form of law, thus sharing a characteristic Greek trait. "All of us have a mutual interest in the justice and virtue of one another, and that is the reason why everyone is so ready to teach justice and the laws." In fact, justice according to Plato consists in giving to each individual the opportunity for the exercise of those functions for the performance of which he is properly qualified by his mental, moral, and physical powers.

With all his might Plato holds that the idea of the good is the ideal of the citizen. He, in the beautiful myth which he puts into the mouth of Protagoras, describes how, to the first city dwellers who were ignorant of "the art of city life," Zeus sent down Hermes, "bearing in his hands Reverence and Justice to be the ordering principles of cities and the bonds of friendship and conciliation." The allegiance claimed by Church and State to-day were then replaced by the allegiance claimed by the State alone. We find out from Plato that "the love of man rises as upon stepping-stones from beautiful bodies to beautiful institutions and from beautiful institutions to beautiful ideas, until from beautiful ideas it attains to the idea of absolute

beauty and at last knows what the essence of beauty is; this, my dear Socrates, is the life of all others which man should live." Did such a city with such an ideal exist, even in Athens? Plato has his answer. "The city is founded in words; for on earth I imagine it nowhere exists." Perhaps, he adds, it is laid up in heaven, as an example for him who wishes to see, and, seeing, to establish his life accordingly. Virtue to Plato in the State is identical with virtue in the individual. Men like Machiavelli were one day to teach that there is a double standard of morality, one for the State and another for the individual. But our philosopher will have none of this doctrine. He knows that absence of morality in inter-State relations means in the long run the absence of morality in all relations, private as well as public. We are not at all sure that, in spite of the superman, Nietzsche does not deserve well from all friends of humanity, for he demonstrated tolerably plainly that in the sphere of private life ideals cannot remain different from those of public.

The ideal of Plato never formally existed any more than the ideal of More. The people who build Utopias know that, to quote More, "there are many things in the Utopian commonwealth which it is easier to wish for in our own states than to have any hope of seeing realised." They also, however, know that without their visions the people perish, and that prophets like themselves are the very men who supply the motive force of society. Of the existence of this permeating idealism Plato entertained no doubt whatever. His city is built of his dreams

therefore never built at all,

And therefore built for ever;

and hence he can say of his city that "it is no matter, whether it exists or ever will exist." His inquiry is for the sake of the ideal, and not with a view to proving that such things could exist in fact. Practice must fall short of precept just as action must lag behind thought. Still, our thoughts can think away the conditions of time, and our minds can construct a picture of the world of the eternal as it would be if the true principles of human life had free play. How deeply this dream-city of Plato

influenced men, let the whole history, for instance, of the Middle Ages attest. Platonic principles, as Nettleship used to say, being that a man's happiness consists in doing his work as well as he can, it seems to the seer to follow logically that we should make it as hard as possible for a man to do otherwise. Therefore these young citizens, when they enter public life, are to have no inducements to neglect the public interest; they are to have no houses, land, or money of their own, but to live under a kind of military monasticism. The theory of mediaeval monasticism might in effect be expressed thus: You are going to serve God; let the external organisation of your life express that; do without everything that is not really necessary to the service of God. Plato's theory is the same, with the substitution of the community for God. Both theories have in common the belief that a great deal can be done for human character by depriving men of material facilities for doing wrong, and by compelling them to live externally a certain kind of life.

The State is a living and therefore organised being. Just as a statue is something more than a combination of marble particles, just as a man is something more than a mere quantity of cells and corpuscles, so the State is more than a mere sum of citizens. As Plato knows that Glaucon holds the social contract theory, so Aristotle knows that Lycophron also holds it, and both philosophers resolutely turn away from this conception. Neither of them uses the phrase "social organism," but both believe in the idea. For the State is no mere "alliance" which the individual can join or leave just as he pleases. It is a moral and spiritual organism fitted to absorb the feelings and thoughts of the citizens, of giving voice to them in laws, and realising them in acts. For the glory and honour of the State its members are eager to discharge their duties, making but little of their rights. The whole idea of the City-State would be inconceivable, and intense devotion to it could not exist, if it did not possess this high moral and spiritual character. Nor is it unreasonable to discern in the Reformation and the French Revolution Platonism, for both installed the State in its classical position as the sole

organism, to whose majesty all other organisms must yield pride of place. The Mediaeval Church wore a corporate character, and this provided one reason for the attacks of Machiavelli as well as for those of Luther. The French Church wore also a corporate character, and this provided one reason for the attacks of the revolutionists. "The Republic one and indivisible" could brook no rivals. Unity is the very breath of Plato's nostrils. To him "there is no greater good than whatsoever binds the State together into one." Religion performs this high task, and he therefore advocates the punishment of death for the offence of religious unbelief, as such unbelief hinders the life and work of the State. True, there were phratries, there were tribes, in Greece, but Plato closes his eyes to their existence. The State is paramount, and men simply exist in order to serve it. If any man is an invalid, the sooner he dies the better. To-day we argue that the strong should bear the burdens of the weak. Plato refused to argue in this fashion, for to him invalids and their like constituted "drones," who formed the curse of actual States. The individual is so bound up with the life of the State that his individuality ceases to exist. Is such complete blending possible? In fact, Aristotle points out that such a course is quite impracticable, for "the unity of the State, which he (*i.e.* Plato) commends above all things, would be like what is mentioned by Aristophanes in the *Symposium*, when he speaks of lovers, in the excess of their affection, desiring to grow together and to become one instead of two, in which event one or both must necessarily perish."

We have insisted that Plato was an idealist. Still he was a practical idealist. His *Republic* is no mere city of nowhere. It is based on the conditions prevailing in places like Athens, Sparta and Syracuse. On a visit to Sicily, according to Plutarch and the (so-called) letters of Plato, he met Dionysius, the tyrant of Syracuse, and expounded to him so powerfully arguments like those of the *Republic*, that Dionysius, annoyed by his denunciation of injustice and denunciation of tyranny, caused him to be sold into slavery. Plato did not leave Syracuse, however, without having deeply influenced the mind of Dion, the



brother of Dionysius's wife; and on the death of Dionysius, and the accession of his son, Dionysius the younger, Dion endeavoured to permeate the mind of his nephew with Platonic ideas. The State of the *Republic* might seem likely to be realised in Syracuse, if Dionysius could once be made philosopher-king instead of the tyrant, and Dion invited, and induced his nephew to concur in inviting, the master himself, now long released from his slavery, to visit Syracuse once more. Plato came twice, in 368 and 361; but he failed to make Dionysius a philosopher, for he apparently required that he should undergo the severe training sketched in the *Republic*. The only outcome was that he succeeded in bringing about the expulsion of Dion from Syracuse.

The political philosopher is in no wise above perceiving that his State may suffer from the Sophists and from the ignorant. The former had taught that the State should afford satisfaction to the desires of its members. It was simply a means to an end, and that end the self-indulgence of its rulers. Plato stoutly opposed such a view by his conception of the organic nature of the State through which everyone possessed a function which none else could discharge. Instead of the individualism of the Sophist there was to be the collectivism of the Platonist. Thus the interests of the individual and those of the State could be truly harmonised. In securing his own real ends the individual secures those of his fellows. "He will have a larger growth, and be the saviour of his country as well as of himself." It is of the last importance to our age to argue that everything has its appointed function, which cannot be carried out, or cannot be carried out equally well, by any other thing. This doctrine of specific function is linked on to the theory of justice, for is not its fundamental basis to be found in justice? From the conception of justice it is an easy transition to that of virtue or excellence. Plato holds that the virtue or excellence of anything consists in the adequate discharge of its appointed function. Is not the virtue of the eye clear vision? Is not the virtue of the ear good hearing? Similarly, the soul has its appointed function; and the soul has its corresponding virtue or

excellence. That function is life, and that virtue or excellence is good life. Nothing can discharge its function if it is deprived of its virtue; and the soul cannot discharge its function if it is destitute of its proper virtue. The soul, therefore, can only discharge its function if it possesses the virtue of good living—the virtue which is also called by the name of justice. But if the soul possesses virtue, the virtue of good living, or justice, it also possesses happiness, which ensues inevitably on good living; and the soul which is more virtuous, or in other words more just, is also the happier soul. And since happiness is more profitable than misery, it follows that justice, as it is a happier, is also a more profitable state than injustice.

The arguments of the Sophists, clearly, can be met, but what about the ignorant? Selfishness among the rulers of the State is impossible, if they attempt to realise its failure. How can the spirit of division or faction, or stasis, actuate them if they realise the organic nature of the State and the functions of each of its members? The State, however, can suffer, and suffer deeply, from ignorance. Ignorance, in the eyes of Plato, was the particular weakness of democracy. Any man might speak in the Assembly, and by word of mouth, not by counsel of mind, might move it as his eloquence directed. Such a one might be appointed by lot to a post for which he was thoroughly unfitted. The soul of Plato revolted as he witnessed the inefficient trying to perform the work of the efficient. Besides, it was totally unequal. For equality or justice surely consisted in the circumstance that a man should do his work in the station of life to which he was called by his capacities. Everything has its function. An axe which is used to carve a tree, as well as to cut it down, is an axe misused; and a man who attempts to govern his fellow citizens, when at best he is no more than an average craftsman, is a man not only mistaken, but also unjust—doubly, indeed, unjust, for not only does he not execute his own proper task, but he also displaces the man who could execute it.

One of the highest virtues in the Platonic ethical scheme is justice. The highest life is the just life, the one in which

justice is both rendered and received. This means, in order to remove the ignorance that is the curse of democracy and of everything else, that individuals must be educated to recognise justice in all their dealings, and that they must be given the opportunity to realise it in their lives. In other words, there are to be classes with appropriate activities assigned to them, and citizens are to be grouped in these classes according to their capacities and their dispositions. The concord and the harmony of their desires will bring about justice in the life of the State. Hence Plato advocates communism, the emancipation of women, and the widening of the basis of art. Communism to him extends the concord and the harmony of these desires, for it successfully gets rid of all the impediments standing in the way of the highest and the most enthusiastic service of the State. What Aristophanes had felt for the position of women in the *Clouds* in one way, and Euripides in the *Medea* in another, Plato also felt, and he continued to reflect that he must remodel society by the abolition of the family, and that then women ought to come into their own. The home in Sparta, no more than the home in Plato, had no genuine existence when real marital communion between husband and wife was forbidden and when children left their parents as soon as infancy was over. The State with him inevitably took precedence before the family, for were not the interests of the home prone to render even the unselfish selfish? For the same reasons youth requires great poetry, for do not its stories of famous men and famous actions inspire it? Youth requires gymnastics, for does it not render the body fit minister of a virtuous mind? Youth requires music and art, for do not the harmonies and the rhythm of the former combined with the paintings and the sculpture of the latter prepare it for noble deeds?

The action of the State may be positive or preventive. It may stimulate the good life or it may remove hindrances to it. To Plato its functions were largely positive. As sickness is a symptom of the disease of the soul, so crime is a symptom of the disease of the body. As he cannot allow invalids to continue to exist, so he cannot bear the

idea of crime. The remedy is not prevention but cure. The cure is a sound mind in a sound body, and this is to be achieved by poetry and gymnastics, by music and art. A right system of education leads men to a right conception of justice, and when the citizens have grasped the proper ideas of education and of justice, what need is there of either lawyers or physicians? The State will prescribe the food of its sons; it will not prescribe their medicine, for there will be no need to administer it. Accordingly, the State is mainly occupied with education, and its chief office is the Board of Education. Courts with their pleas and their pleaders are unwanted, for the system of public training has led the pupils to care for justice. If the poetry and gymnastics, the music and art of the day are all free from revolutionary influences, then the State remains in healthy condition. With Luther and Fletcher of Saltoun, Plato realised that the ballads of a country are more far-reaching than its laws. In a word, there is a real *esprit des lois*, and this *esprit* is the one thing that genuinely matters.

Justice is no mere function of the law courts: it is equality and it is function. It is equality, for it means nothing more and nothing less than man's performance of the part which the purposes of society demand that he shall play. It is function, his function, for only he can discharge it adequately. In this sense might is right, for a man ought to do what he can do, and he deserves what he can get. Plato has no concern with legal rights based on a legal society. There is a code of law in such a society, but is there the spirit of justice? He starts from the conception of the State as a moral organism based on the duty of the discharge of specific function, and he conceives justice as the spirit that animated men in the fulfilment of that duty.

Plato notes that Glaucon provides us with a popular theory of the nature of justice, explaining it by its historical origin. This is the earliest written statement that we have of a theory which has ever since played a great part in the world, the theory that moral obligations owe their origin to an original contract. As Glaucon states it, it is simply this: In the nature of things to do injustice is best, but men

have found by experience that they cannot do it with impunity, and the greatest evil is to suffer injustice without power of retaliation. Men have therefore compromised the matter by making laws and institutions which save them from the worst evil, but do not secure them the greatest good. He assumes that every civilised community requires, in order that it may exist at all, a mutual recognition of rights on the part of its members, which is a tacit contract. It is easy to say that such an original contract is unhistorical, but why have men persistently resorted to this particular fiction? The answer is to be found in the real present truth which the original contract expresses. Members of the community apparently gave themselves certain original rights by contract, and the existence of the community depends, they think, on the maintenance of that contract. Glaucon, however, applies the theory destructively and in a revolutionary interest in his desire to show that justice is a matter of contract and convention *only*; and there is the further implication that all convention, and therefore all law, is a sort of artificial violence done to human nature.

Just as the mediaeval State had its three classes of oratores, bellatores, and laboratores, so the Platonic State had its rulers, its soldiers, and its farmers. Man is a tripartite being, possessing the three distinct faculties of reason, spirit, and appetite. Citizens, accordingly, are divided into three classes which, by the qualities they possess and the relations they bear to one another, correspond to the three faculties belonging to the individual. The philosophers are the ruling class, supplying wisdom to the State. It is the duty of the courageous to execute the orders of the governing class. The agriculturists or industrialists produce the materials necessary for the subsistence of the State, and it is their task to carry out the orders of the upper classes. Each of these three classes has its appointed function, and each of them concentrates itself entirely upon the discharge of that function. All the members of the State, Plato tells us, are brethren one of another, but in fashioning them God wrought gold into the composition of the rulers, silver into that of the soldiers, and iron and

brass into that of the craftsmen. But He did not desire that the descendants of the original members of each class should belong to that same class throughout all generations.

Estimates of the population of Athens vary from 300,000 to 400,000. Of this total the citizens and their families number 160,000; the resident aliens and their families number 90,000, while the slaves ran to 80,000. Out of this population of adult males Wilamowitz reckons that 7,500, or more than one man out of six, were, at any given moment, engaged on regular daily State duty, 1,500 as civil administrators, and 6,000 as soldiers, sailors and city police. This does not include the 6,000 judges who might be called upon any day during the year for which they were selected. If these are added, the proportion informs us that one out of four or one out of three was engaged in public service. Besides, offices rotated quickly with a brief period of occupancy thereof, and a citizen held authority only once. According to the "Constitution of Athens," we learn that "more than 20,000 men" were "eating public bread." These 20,000 are made up as follows:—

Judges .. ..	6000	Dockyard guard ..	500
Bowmen .. ..	1600	Acropolis guard ..	50
Horsemen .. ..	1200	Home Civil Service ..	700
Council .. ..	500	Imperial Civil Service	300

As the armed men among these 10,850 are police or reservists, they may all be regarded as civil officials. The armed forces on active service are:—

Army (heavily-armed troops) .. ..	2500
Navy (guardships and tributeships) ..	3500

Lastly, there are benefactors, subordinate officials (*e.g.* prison warders), and others who are maintained at "the public expense," including the orphans of men who had laid down their lives on behalf of their State, say 3,150.

Plato pays but little heed to the farmers. The rulers and the soldiers bulk largely in his scheme, and they live under a system of communism. This communism, however, is not based upon economic motives, but is based on ethical. The farmer possesses appetite. Such appetite the ruler and the soldier must thrust to the one side. This asceticism

they pursue in order that they may carry out their special functions with the utmost thoroughness. Unselfishly they hold political power, but not economic, which is given to the farmer. The possession of both political and economic power is sufficient to ruin any class, even the Platonic aristocratic class. Indeed Plato traces the corruption of his ideal State to a single source, the union of the two powers in the hands of one class. His rulers are in fact monks devoted to their high calling, and, like the monks, they must be free from worldly interests and ambitions. Plato anticipates Hildebrand in urging with all his might the complete separation of political and economic control. For his aristocracy must, to ensure the solidarity of the State, get rid of the motive of selfishness. His communism has nothing to do with the evils of poverty. It applies but to one class, and that the highest in the State.

The family has always been the basis of individualism. Clearly the philosophers and the rulers cannot have individual marriage. Men and women of these two classes are to be so mated that the best breed of children will result. No father or mother is to know his or her children, and unfit children are to be destroyed. For the begetting of offspring is not a private affair of the individual, but is a service to the State. Nor must we ignore the fact that the Greek was not a "family man," but, as Aristotle called him, a political animal. "The god," in the opinion of Xenophon, "has ordained and the law approves that each should follow his capacity. It is not so good for a woman to be out-of-doors as in, and it is more dishonourable for a man to stay in than to attend to his affairs outside." In his desire to bring woman out of the seclusion and the solitude to which society had condemned her, Plato emancipates her. The price of her emancipation is, however, a high one, for he refuses to see in marriage the spiritual communion of husband and wife. There is no place for the passionateness of love.

The ideal State stands supreme over all interests. In States, under the guidance of law, there are three forms: Those under the rule of one, or constitutional (as opposed to ideal) monarchy; the rule of the few, or aristocracy; and

the rule of many, or democracy of a moderate and constitutional kind. In States, not under the guidance of law, there are three forms: The rule of one, or tyranny; the rule of few, or oligarchy; and the rule of many, or extreme democracy. Such is the classification of the *Politicus*, which is substantially that of the *Republic*. Monarchy stands first and tyranny last because the rule of the single man is strongest both for good and evil when authority is placed undivided in his hands. On the other hand, the rule of the many is weakest for vice and weakest for virtue because power is infinitesimally divided among an infinity of authorities. Accordingly, while Plato deems extreme democracy the first and best of arbitrary States, he regards constitutional democracy as the third and worst of law-directed States. There are differences from the scheme of the *Republic*. For democracy, in both its forms, is placed above oligarchy which in the *Republic* stood above democracy. The *Republic* has much to say about the philosopher-king who, though he is above written law, is not above the fundamental articles of the constitution. He must maintain the rule of justice, he must ensure that there is no innovation in the system of education, for "whenever modes of music change, the fundamental laws of the State always change with them." He must watch out for the entry of poverty or wealth, and he must limit the size of the State. If he carries out these four functions, the ideal will become the real. "Until philosophers are kings, or the kings and princes of this world have the spirit and power of philosophy, cities will never have rest from their evils."

The tyrant, of course, will not carry out the four functions of the philosopher-king. The appetite of a Dionysius I for power so engrosses the functions of the citizens that they cannot develop their capacities. Justice means the fulfilment of function in a common polity, but it is the essence of tyranny to deny any such fulfilment. "The excessive creation of anything often causes a reaction in the opposite direction; and this is true not only of the seasons and of animal and vegetable life, but above all of forms of government." This is as true of democracy as it is of tyranny.



With the advent of democracy the aristocratic or hierarchic form of the State disappears, and with its disappearance drill and discipline also disappear. Instead of real equality there is nominal; instead of real liberty there is unreal with accompanying licence. The One is replaced by the Many, and common determination by self-determination. With perhaps Alcibiades in his mind, Plato describes the democratic man as a chameleon, who makes into a principle the absence of principle, and turns inconsistency into a consistent habit. Such a man, like Reuben, is unstable in all his ways. He will, in his utter insubordination, call insolence breeding, anarchy liberty, and waste magnificence. Even the animals, Plato ironically adds, catch the prevailing contagion: order and regulation leave the streets, and the horse begins to drive the wayfarer from the road. "Above all, and as the result of all, men cease to pay any heed to the laws, written or unwritten, in order that they may have no master of any sort."

There used to be a happy city which flourished in the reign of Kronos. Readers of the *Timæus* are familiar with the glowing account of Critias. This ideal city has disappeared; the wisdom of its laws and the beauty of its institutions have alike vanished. Now we behold change which is cyclical: we witness the degeneration of the perfection which once existed. Aristocratic government has degenerated into timocracy, into oligarchy, and into democracy which has become tyrannical. The best to be hoped is a return to the ancient State. The ideal is not before us: it is behind us. The perfect State was immutable; it was a body determined by geometrical arrangement, an organism ruled by fixed laws, developing always in the same circle.

The older Plato grew the greater he saw were the obstacles which were preventing the realisation of his perfect State. The early legislators possessed advantages over their degenerate descendants. Were they not of the blood of the gods? Did they not impose their laws upon heroes who were children of the gods? Wisdom is the only object to which every good legislator ought to direct his laws. The aim of all sound policy is to ensure the happiness of

man. In the last resort social progress is bound up with individual progress, with the predominance of the immortal part of our being, the triumph of reason. In this it will be possible to realise the perfection of the long-lost ideal State. Thus we can avoid the return of degeneration when, in the course of circular revolution, the eternal order returns back again upon itself.

What Plato failed to accomplish directly he himself accomplished indirectly. He is one of the sources of that spirit of mysticism which tends to merge the particular in the universal, the temporal in the eternal. He is also one of the sources of that idealism which checks the evil side of mysticism, for Plato sought the ideal in the real world, the world of experience. He conceived society dynamically: Aristotle conceived it statically. Order to the latter was heaven's first law. To trace the general plan of the evolution of the human race is a task which does not concern him: his is the humbler labour of showing under what conditions the City-State can realise happiness. Its size, its site, its nearness to the sea, its aloofness from the stranger—these are the matters of his mind. In his *Ethics* he lays down as the utmost limits of a State that it should have more than ten and less than one hundred thousand citizens. It is abundantly clear that his speculations, like those of all Greek thinkers, were those of a primitive people. He founds his theory in his *Politics* on researches into a hundred and fifty-eight Greek constitutions, and he collected the social and political usages of foreign tribes. A practical manual for politicians, the *Politics* remains the golden book of the statesman.

Aristotle's closest approach to the consideration of the ideal is his criticism of the Platonic conception. Has he more than a glimpse of scientific progress when he discusses changes in medicine which have modified the art of healing? Though he has not the resources of palaeontology at his command, he entertains a general conception of the origin of higher species by descent from lower. In his consideration of the factors of evolution it is amazing to note that he discusses the survival of the fittest hypothesis, which he states quite plainly, and dismisses it. His view of the

development of life ultimately led to the correct interpretation of the Mosaic account of the creation, and his view St. Augustine cordially accepted. Indeed, if the teaching of the African doctor, in this respect at least, had remained the teaching of the Church, the triumph of the theory of evolution might have been anticipated by more than twelve centuries. To a man with the scientific bent of Aristotle it was impossible to believe in the operation of chance. Nothing, he holds, which occurs regularly, can be the result of accident. The adaptation manifest in the world obliged him to believe in an intelligent first cause. This theistic tinge influenced the early Christians, especially St. Augustine, and in time the authority of Aristotle in the Mediaeval Church was elevated to a position as exalted as that of the Bible itself.

Plato was as fundamentally radical as Aristotle was conservative. He is pre-eminently the parent of philosophic conservatism. The "divine right of things as they are" made little appeal to the former, whereas to the latter it proved potent. Plato soars to heaven: Aristotle treads on mother earth. He provides a *raison d'être* for the family and for slavery, and he seeks the preventive path in his desire to heal the diseases of the body politic. Plato is a man in an aeroplane who flies over a new land, catching through the clouds its contours. Aristotle is the engineer who goes there and makes the new roads. He was clear-sighted though not far-sighted. He lived in an age of slavery, and far from foretelling its doom he classed it among the "natural" institutions of society. He lived in an age of small States, and far from foreseeing their decay he proposed no scheme of union. The dynasties founded by Alexander's generals left the City-State a mere pawn in the game of militarism: the all-conquering arm of Rome completed its destruction. The drama, in Aristotle's view, may advance to new forms, if circumstances change, but there is no such advance for the City-State, and this opinion falls from the lips of Alexander's teacher! He stereotypes society in the stationary stage.

Like Plato, Aristotle combines ethical and political conceptions, and his *Ethics* and *Politics* form accordingly

but a single treatise. The State is a moral organism, and its end is the perfect and self-sufficing life. In his treatment of the State as something which has laws of its own growth and health, not reversible by man's will except within certain limits, we may trace a likeness to the conception of an organism. The inner life of a group of men in action he relates to the inner life of individual men in action. The State is prior to the individual in the sense that his end is realised in it. It precedes the individual not simply as the actual precedes the potential, but as a whole precedes its parts. The part is itself only in relation to the whole, has no existence outside it, and is intelligible only in reference to it. "Man is by nature," so runs the famous phrase, "a political being." He finds himself in the citizenship of the State which forms the institution to realise his true being. He attains more than fulness of life, for he attains life itself. Because the individual is not self-sufficing without the State, Aristotle assumes that he stands to it in the relation of an organ to a body, and the dependence of the citizen on the State is every whit as fundamental as that of the organ on the body.

The Aristotelian view is that society has grown naturally. Its origin is to be found in the family. Whether the village is formed by aggregation of independent households or by expansion of a single one, Aristotle does not plainly declare. Clearly by his membership of the family the child is becoming ready for citizenship of the State. The Stagirite could readily have subscribed to the view of Burke, who held that: "We begin our public affections in our families. No cold relation is a zealous citizen. We pass on to our neighbourhoods and our provincial connections. These are our inns and resting-places. . . . The love to the whole is not extinguished by this subordinate partiality. Perhaps it is a sort of elemental training to those higher and more large regards, by which men come to be affected, as with their own concerns, in the prosperity of the kingdom."

"Nothing in excess" is a maxim never far from the mind of Aristotle. Virtue to him is a mean between two extremes. The right, or the good, or the beautiful, appears as something which is neither too much nor too little.

The limit suggested forms no restraint; it rather acts as a guide, a principle imposed by reason to conduct man along the proper path. It is a view with a history stretching far into the past. The Pythagorean doctrine of the limit comes to be the Aristotelian doctrine of the mean. It come out when Aristotle advocates a limit of wealth as well as a limit of the size of the State. It also comes out when he advocates the mean or mixed constitution by blending the two opposites of democracy and oligarchy. Plato has as thoroughly approved of this form of constitution as Polybius in the sixth book of his history and Montesquieu in the eleventh book of the *Esprit des Lois*.

The race of the citizens, the space they occupy, the religion they profess—these are not the binding elements in the State. Race and space may change, and yet the State remains unchanged—provided that its constitution does not alter. A musical example clarifies this point. For if the individual members of a chorus vary, the composition does not vary. If the scheme by which the notes are joined varies, then the identity of the composition varies with it. Similarly, the citizens may change, but if the constitution does not change, the State continues its existence unaltered. Aristotle's chief division of the forms of government is into six. Of these three are normal, for the right end is pursued, and of each of the three there is an abnormal form which seeks wrong and selfish ends. The first set consists of monarchy, aristocracy, and republic or polity; the second of tyranny, oligarchy and democracy. The first three are arranged in a descending order of goodness, and the second three in a descending order of badness. The leading principles of monarchy are supreme virtue; of aristocracy, culture and high virtue; of polity, military and mediocre virtue; of tyranny, force and deceit; of oligarchy, wealth; and of democracy, free birth. These six forms are not to be judged by mere numbers. The true test for all of them is how far each of them pursues the life of virtue. Every State that passes this test is normal and proper. Every State that fails to pass this test is abnormal and improper. In the *Ethics* we learn that a good constitution differs from a bad one because the legislator of the

one endeavours by habitation to turn his fellow-citizens into the path of virtue, and the legislator of the other does not so turn them. According to the *Politics* democracies aim only at freedom, and oligarchies only at wealth, and these are complete perversions. Aristotle declares with conviction that "the State comes into being for the sake of mere life, but exists for the good life." Does a democracy or an oligarchy, he would ask, set such an end before it?

States are differentiated by the form of their constitution and by the kind of life at which they aimed. This aim, whether in tyranny, oligarchy, or democracy is a selfish one, namely the interest of one lawless ruler, of the few who were in power or of the poorer freemen. Virtue is the fundamental principle of all good constitutions. Hence monarchy forms the best of all constitutions because it lays such stress on the supreme virtue which can only be found in the solitary individual. It tends towards harmonising the different interests, preventing social strife. On the principles of distributive justice, principles on which Aristotle lays as much emphasis as Plato, if the monarch possesses heroic virtue, he may become almost absolute. If there is a "god among men," it is absurd to put him under the law, for his wisdom exceeds that of other mortals. On the whole, the monarch, if not a superman, is to be under the law. The rule of law stands supreme. For though one monarch may be all that is desirable, his successor may be all that is undesirable. In fact, an aristocracy is nearer to the ideal than a kingdom. Aristocracy distributes justice in an equality proportional to the moral worth of the citizen, a proposition with which Plato cordially concurs. In the Aristotelian aristocracy there is a happy mixture of virtue, wealth and free birth.

In a republic or polity we have the rule of the middle class, avoiding the evils of the rule of the good without bestowing absolute power on the bad. Polity is the rule of the many, but it is the rule of the many for the common good. All the parts of the polity are mingled in proper proportion. The *hiérarchie des méprises*, as a modern philosopher calls society, has no plan in it. The virtue

at which it aims is by no means the highest, for it is the virtue of the soldier, the steadfast courage of the citizen under arms. The standard falls far short of the supreme virtue to be found in monarchy or aristocracy. Still, it is a standard that can be reached, though reached in bourgeois fashion. In not a few respects it comes close to that mean of which Aristotle so warmly approves. The limit, the golden mean, is never far away from his thoughts, and if polity is not the ideal State it is not at all an unhappy compromise. True, on the principles of distributive justice office will gravitate to those who display military virtue. On the other hand, polity will instal the middle class in power, and this class forms the natural mediator between the rich and the poor. For average virtue on the part of the citizen, it is a fine form of government. In practice, however, the middle class failed to realise all that Aristotle claimed for it. On its practice Thucydides remarks: "Either party had a specious programme: the one alleged equality before the law as its aim, the other a moderate government by the best heads; but while they nominally were concerned to advance the common weal, they really made it the prize of victory."

Tyranny is a perversion of monarchy, and is the worst of all perverted constitutions. It means the selfish rule of a single man who makes wealth his aim. He rules without any limitation set by the law, and he reigns without the good will of his subjects. The test is the presence or the absence of respect for law. Tried by this test, extreme tyranny stands condemned quite as much as extreme oligarchy or extreme democracy. Aristotle analyses tyranny into three species, dictatorship, the absolute hereditary monarchy to be found among barbarians, and extreme tyranny. The last species is the opposite to absolute monarchy, yet just as selfish and just as free from legal restraint, but directed to the selfish advantage of the ruler, and stripped of the justification that the ruler is a better man than his subjects. In the first two species the tyrant is limited by law, and he receives the consent of his subjects. Aristotle finds the origin of the tyrant in the desire of the people to check the rich and prevent their

aggression. In spite of this, Aristotle sets tyranny at the very bottom of the scale on the maxim *corruptio optimi pessima*. For tyranny is a corruption of monarchy, and monarchy is the best of the six constitutions. There are two methods of preserving tyranny. One is to make subjects unable to revolt, and the other is to make them unwilling. Periander followed the first when he suggestively took the envoy of a fellow-tyrant into a corn-field, and quietly smote the tallest ears with his stick. Three things, according to Aristotle, does a tyrant of this class seek—that his subjects should turn to mean thoughts and material things, that they should distrust one another, and that they should become powerless for political action. The second method is for the tyrant to turn into a benevolent despot, the plan to be advocated by Machiavelli eighteen centuries later, as indeed it had been advocated before Aristotle by Isocrates. Let the tyrant stand, like Solon, “with his shield held aloft over rich and poor alike,” and all will be well. Let him be a Joseph II of Austria or a Frederick II of Prussia, or a Charles III of Spain.

Mere number is never the mark of differentiation in a constitution. Accordingly, the test of oligarchy is not so much fewness of numbers as the possession of wealth. Viewed from the point of distributive justice, it is not open to censure, for by its use of true proportionate equality, it gives to each according to his capacity. On the other hand, it sets up wealth as the standard of distribution. Of course wealth is necessary for the pursuit and certainly for the attainment of virtue. The tendency, however, is for oligarchy to regard wealth as an end in itself. When this tendency proves active in the life of the State, it means a warfare of the classes. Sedition and rebellion are then likely to ensue. At the same time the able man secures his due position in the State. There are four varieties of oligarchy. In the first there is a high property qualification sufficient to exclude the poor, who can, when qualified, ascend to it. In the second the property qualification is raised, and even with this increased qualification election by the existing members is necessary. In the third the oligarchy is hereditary. In these three varieties there is



the rule of law. In the fourth, or "dynasty," this legal restraint is thrown away. The rivalry of Sparta and Athens during the fourth century had injured oligarchy, and had it not been for the protection of the former it stood in serious danger through its instability. The transition from it to tyranny proved easy. In discussing the methods of the preservation of oligarchy or democracy, Aristotle advances to general considerations. Among them he thinks that the members of the State ought not to suffer from a sense of injustice in the constitution. The number of those in favour of the constitution should be greater than the number of those who are not. In other words, the consent of the members of the State forms its basis. Then the doctrine of the mean comes in, for neither an oligarchy nor a democracy can afford to be immoderate. How can the oligarchs hope to maintain their position if they take an oath of eternal hostility to the people? How can the democrats hope to maintain theirs if they press the burden of taxation unduly on the rich? The selfishness and the corruption of the officials proved the curse of Greece. "The masses are not so much aggrieved at exclusion from office (such exclusion may even be to their taste, if it gives them leisure for business) as they are at the thought of public peculation by their officials. Then they feel a double grievance: they have no share in office, and they have no share in its profits." The officials at all times and in all places are a grave source of danger in an oligarchy or a democracy.

To-day we are apt to regard the advance of democracy as irresistible, and when we remember the history of the Middle Ages it is not a little curious to perceive that Aristotle adopts the view of its inevitability. Still, for him it is a perverted form of government. It is not the government of the people by the people. It is the government of the people by the poor. Its distinguishing feature is not that it is the rule of the many, but that it is the rule of the poor. Such rule is sectional and is selfish. It attempts to realise justice, but its attempt is vitiated by its wrong conceptions of liberty and equality. Is liberty simply the right to do as one wants to do? Is it

merely a negative matter, the absence of discipline? Is equality simply numerical? Is it not proportional? True, democracy is better than oligarchy because its principle of free birth is a finer one than the principle of wealth. With a wider belief in mass judgment than Plato, Aristotle concedes that the best critic of music and of poetry is *vox populi*. The many, in his opinion, possess the faculty of judgment, a faculty they can exercise in the election of magistrates and in the audit of accounts.

There are interesting anticipations of Bodin and Montesquieu when Aristotle connects democracy with sea power and with the use of infantry, and when he notes that democracy is to be found in the plain. As there are four varieties of oligarchy, so there are four of democracy. The first is composed of the agricultural class. The rich and poor alike share in political power, and there is genuine equality, the law assigning as much weight to the rich as it does to the poor. This form approximates to aristocracy, for, as the farmer attends to his business, he makes the law sovereign and elects men of leisure and culture to office. If this aristocracy encourages the prosperity of agriculture, as the Tudors encouraged the prosperity of their subjects, then it will have a pretty free hand in the management of affairs. Aristotle does not care for such peasant proprietors save on the ground that they will be too busy to govern. In the second and third species of democracy all who are children of citizens by both parents, the offspring of a legal marriage, and all who are not of servile origin are citizens respectively. In these three species law is the ultimate rule, but this is not so in the fourth species of democracy. In it citizenship is indiscriminately open and by decrees the citizens can modify law as they please. The demagogues told them that they were the folk entitled to decide everything, and the people believed the demagogues. The results were that magistrates and laws ceased to exercise power. For to Aristotle it was vital that men should live by known rules, yet how could they do so when the rules were liable to be upset at a moment's notice? To men, down to the nineteenth century, the idea of a constant series of enactments was entirely unknown. A thinker

of the calibre of Aristotle was convinced that where there is no constitution, there is no law. Where there is no law, there is no liberty. The outcome is not cosmos, but chaos. It can, however, be preserved—on terms. Let the poor spare the property of the rich. If they confiscate the property of the rich, let them devote some of it to the service of religion and not to that of political interests. Let the pay of the citizens be curtailed by the diminution of the number of meetings of the assembly. Let part of the revenue, after the fashion of the Gracchi, be devoted to the purchase of small farms or the finding of some sort of business for the very needy.

Revolutions and civil strife constituted the danger to the State, and Aristotle devotes not a little space to their diagnosis and their cure. His function is more than merely examining the diseases of the body politic, and saying, "Thou ailest here, and here." Setting out with his theory of astrological numbers which rule the existence of his ideal city, Plato proceeds to show that during a certain necessary cycle of time there will be certain births of inferior citizens among the guardians of the State. Hence arises a selfish love of wealth and of individual distinction, corrupting the ideal polity into a likeness of the Spartan commonwealth of warriors. In the decline to oligarchy, to democracy, and to tyranny, Plato perceives the passion of greed invariably at work as the corrupting power. Thus oligarchic magistrates engage in commerce, and they relatively impoverish young men of birth, creating a class like the Catilines and Mirabeaus of Roman and French history.

Instead of reasoning on revolutions on the *a priori* system of Plato, Aristotle collects facts from history. "Men turn to civil strife," he points out, "when they think they have not got their dues in proportion to their estimate of themselves." The causes of this strife might be the desire to overthrow the existing constitution, or to seize its rewards and offices, or to modify its oligarchic or democratic character in some specific detail. The main motive of revolution was jealousy, which assumed many forms. It might take the form of the distribution of

wealth and office, of the depression of any set of citizens, and of the factiousness of party. It might also take the form of habits of insolence, of the pride and negligence of overweening power, and of the strength of some magistracy or class which had outgrown its proper status. Then the State might contain other elements which, unless trouble were taken, might prove dangerous. It might contain citizens of alien races, as Achaeans and Troezenians were mingled at Sybaris, or as the Gephyraeans were blended with the Ionic population at Athens, and race hatreds might occasion civil war. Might not the difference of local situation give rises to stasis? Might not the dwellers on the height hate the dwellers on the plain? Might not the people of the harbour prove more democratic than the people of the city? "In short, the acquisition of power, whether by private citizens, or magistrates, or tribes, or by any single portion, small or great, of the State, was a cause of sedition; for either the persons who envied these began the strife, or the men, or party which had gained the strength, were no longer content to live on a footing of equality with their fellow-citizens."

There are deep-seated differences between the democracy of the *Politics* and that of our own day. A great State with Aristotle does not mean a large one, but one in which the citizens vigorously exercise their respective functions. With him smallness forms an essential condition of democracy. His citizen loved the rocks and springs in the neighbourhood of Athens. He worshipped at the shrines and temples within her hallowed walls. He knew many of the citizens tolerably intimately and was familiar with the faces of many more. All his fellow-citizens attended the general assembly, and all could take their due share in the work of legislating and judging. True, strangers, sojourners and slaves were excluded from citizenship. It was open to all others who themselves were the members of parliament. To Aristotle, as indeed to Rousseau, our plan of electing representatives would have seemed not democratic, but oligarchic or monarchical. The citizen enjoyed the whole of his political power: none of it did he delegate. Out of the total population of Athens the citizens and their

families numbered half. The other half stood outside the pale. The presence of a body of persons, sharing the life and the interests of the place, but excluded from political power, came to us from the classical world, becoming a feature of the municipalities of the Middle Ages. It was not to the days of the first French Revolution that the idea that mere birth and residence ought to confer citizenship came to be conceived, and in England it is not to the reform of the municipalities in 1832 that it came to birth. In fact, political liberty in ancient times was practically restricted to cities like Athens and Rome, where public life and art and all the intellectual influences that were concentrated in a great metropolis could raise the people to an altogether exceptional level.

Our political world differs from the ancient in not possessing a "lawgiver"—the Moses and Solon, the Lycurgus and Minos. We no longer have a superman to whom we commit the construction of a political and social régime by which we agree to live. The Greek conception was that of the single statesman who in remote antiquity enacted the laws of the State. The Greeks of course amended the law: its original creation was due to superhuman wisdom, a view common to Plato and Aristotle. Written laws, in the opinion of the latter, are valuable, but the unwritten laws, resting on custom, are invaluable. "For the law has no power to command obedience except that of habit (gained through education in its spirit), and this can only be given by length of time, so that a readiness to change existing laws to others enfeebles the power of law." The lawgiver creates the law which becomes the will of the community. "There is no profit of the best laws, passed with the consent of every member of the community, if those members be not habituated and educated therein." In this fashion the spirit of law-abidingness entered into the mental constitution of the Greeks. As Nature creates the household and the household forms the State, so she creates law. Law is sovereign. Law is natural and because it is natural it is also moral. Hence it follows that natural justice and moral justice are the same. To Aristotle, as to Socrates, the legal and the moral are one.

A taxi-driver was asked by a judge, "Drive me to the Courts of Justice." His answer was, "I never heard of them, sir." "What! Do you mean to say that you don't know where the Law Courts are?" "Yes, sir, I know them, but you said the Courts of Justice, and I never heard of them." Such a position would have been unintelligible to the Greek mind.

In the judgment of Aristotle the family and property are institutions of the law of nature. Property he justifies on the ground that it is essential for the due expression of personality. Slavery, we learn, is an institution of the law of nature. Some of the sophists argued with Aristotle for the natural inequality of men. Some were born to be masters and some servants. On the other hand, many sophists called slavery a violation of nature, just as Rousseau did twenty centuries later. "God has made all free, Nature has made no man a slave," said Alcidas. "No one is worse when he becomes a slave, who was good when a freeman," said Euripides. Falling back on nature, Aristotle notes that she arranges everything in a hierarchy of rulers and ruled, and that it is necessary to the safety of society that the element in society which has full reason should direct the element that has mere bodily strength. Euripides had said as much when he pointed out that "it is right that Hellenes should rule barbarians." Nature exercises purpose in all things. For what purpose were barbarians created except to be slaves, and wild beasts to be hunted? Besides, a household is a natural community, and for the fulfilment of the wants of this community there must be instruments. These instruments must be such that they will act at the word of command. As the poor man has his ox, so the rich has his slaves, that is, men who are not naturally their own property. A slave is "a piece of property of an inanimate kind engaged in rendering service." It is easy to mark off the beasts from men, but how are we to mark off the slaves from them? Just as Shylock showed that the Jew resembles other men, so the slave resembles other men. Aristotle searches for outward and visible differences between slaves and men, and of course he finds them. Slaves, clearly, are barbarians. Have they the erect bearing

which the freeman gains from the gymnasia and arms, forbidden to the unfree? Aristotle was unfortunate in the circumstance that the slaves of his fellow-citizens were not negroes, for then he might have said in earnest, what Montesquieu said in irony, about the impossibility of supposing that God had meant to give freedom to beings with such ill-formed noses.

There is casual slavery as well as natural. For a Greek might be taken captive, and might be sold as a slave. The grave disaster of Syracuse sent hundreds of Athenians into slavery just as the overthrow of Sparta by the Thebans released the enslaved Messenians. Such events set men wondering about the naturalness of slavery. All that Aristotle concedes is that if a free-born Greek becomes a slave through the accidents of war, he is a slave casually, not naturally. In spite of such events, he insists that nature has created the two classes of free and slave, and that she means to make their bodies different in order to emphasise the internal differences. If you argue that their bodies are not different, his reply is that though nature strives to get her own way, she does not always succeed. Nevertheless, slavery is as natural as it is necessary. Inconsistently enough, the sage allows that the slave is "able to share in law and covenant," and in so allowing he has undermined the foundation of his defence of slavery.

In the opinion of Dryden:

The longest tyranny that ever swayed  
Was that wherein our ancestors betrayed  
Their free-born reason to the Stagirite,  
And made his torch their universal light.

In all that concerns the commercial aspects of life, these lines are only too true. Under the influence of Aristotle, St. Thomas Aquinas maintains that slavery, though unnatural before the Fall, is now rather an addition to, than a departure from the law of nature. Ægidius Romanus, a pupil of St. Thomas Aquinas, reasons thus: Man has fallen from the liberty he had in Paradise, has lost the right to belong to himself, and is thus naturally liable to be made a slave. From the fourth century B.C. to the year 1860 is a long interval, and yet the American Civil War is at

bottom a revolt, an armed revolt, against the opinions of the Stagirite.

If slavery is natural, Aristotle has little doubt that money is unnatural, that it is not primitive. Barter is natural, for it provides things necessary and no more. Money is unnatural, for it provides things unnecessary and much more. Commerce increasingly employs this unnatural commodity, and moved by the aristocratic hatred of trade Aristotle condemns the use of money. Like Montaigne, he assumes that in every transaction the gain of the one is the loss of the other, and the idea that both might gain by the same transaction is a conception foreign to his whole mode of thought. Commerce, in his judgment, makes gain at the expense of the other party. To him there is "no room for moral excellence" in the employments of artisans, traders and labourers. Plato spoke just as scornfully of the illiberality of the retail trade, and advocated imprisonment for a year for anyone following an unworthy occupation. Usury is to Aristotle a sort of crime. Commerce and usury are in themselves base, for they are the servants of lust for gain, which knows no limit. Aristotle taught, with permanent effects on mediaeval thought, that money was in itself barren, and that therefore fruit or payment cannot be justly be demanded for the use of it. The doctrine of the mean again appears. To him it seemed that there was a limit imposed on barter, but was there any limit imposed on commerce? He could discern none. There is no limit to the desire to secure goods, and there is equally no limit to the collection of them. Therefore, commerce stands self-condemned. To the grave detriment of morality the Church of the Middle Ages adopted this teaching. The Canonist doctrine on the wrongness of interest and its division into the cases of *damnum emergens* and *lucrum cessans* traces its pedigree directly to the teaching of the Stagirite. He is emphatically "the Philosopher," as he is generally termed by mediaeval men.

The Romans adopted the Greek conception of the State with of course differences. Their State is ethical and legal, but it is much more legal than ethical. Nor can we ever forget the fact that their State embraced the known world.



The eternal city, the urbs, became the capital of the world, orbis. The imperium of the Roman magistrate became *imperium mundi*. The history of Rome, to use the proud expression of Florus, became the history of mankind. The Romans and the Fathers took over the political theory of the Greek world, and the more we read the conceptions of both, the more we are convinced of the connection between the mediaeval and the ancient world. The circumstances of the Greek world rendered some theory of human inequality possible. The circumstances of the Roman Empire, and European development since, have rendered some theory of human equality possible. For neither the Romans at the fifth century, nor the barbarians, who came as conquerors, nor the still unconverted races, like the Saxons, stood as far apart as was the Hellenic world of Plato and Aristotle from the culture of surrounding tribes. To such a world the barbarian was, what Cassandra seemed to Clytaemnestra, "one who chattered in an unknown tongue like a swallow." This conception continued broadly till the beginning of the slave-trade. Now that all nations are face to face with the problem of the savage and perhaps degraded races, the theory once more tends to give way to a new Aristotelianism, based on Darwinism. Nietzsche's politics, for instance, are really a reversion to the ideals of Aristotle; for he holds the fundamental superiority of the "splendid blonde beast," and scoffs at any attempt to treat inferior races as in any wise "brothers." That this view is the inspiring ideal of many practical men is as evident in the World War as in any newspapers of the moment. Whether it is likely to be permanent, or to produce any such change in an opposite direction as was the outcome of Greek civilisation, are questions which are worth asking. Nor is our interest in the answers diminished a whit by the circumstance that Plato provides one kind of reply and Aristotle another.

Cicero (106-43), in his political writings, holds Athenian models constantly before his eyes. If we turn to them we find the insistence on the law of nature and the derivation of all true law from it, the growth of the State from the family, its foundation on law and justice, its existence for

the sake of all, and the like. In one point, and that a fundamental one, he diverges widely. He believes in the equality of human nature just as firmly as Plato and Aristotle believed in its inequality. Men differ in many respects. In spite of these differences, Cicero points out that as there is no resemblance in nature so great as that between man and man, so there is no equality so complete. Somewhere between the time of Aristotle and of Cicero occurs this grave breach in continuity, this one supreme change in the political conceptions of the European races. That it happened then is clear by a comparison of the two writers. And it was due to the breakdown of the City States, the universalising of Hellenism, and the absorption of all Western civilisation by the Roman Empire. In essence the "Liberty, Equality and Fraternity" of the French Revolution have found the beginning of which the end is not yet.

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## Chapter II.

### ST. AUGUSTINE AND MEDIAEVALISM.

"THE poet hath said, Dear City of Cecrops," wrote the Stoic Marcus Aurelius, "wilt thou not also say, Dear City of God?" St. Augustine (354-430) said it in a book that the world will not willingly let die. He holds the old Platonic doctrine that evil is not an absolute, positive factor in the universe, but that it is only the privation of good. There is no existence apart from the good: the most corrupted nature has good in it or it could not be. He lends no countenance whatever to the Calvinistic conception of total depravity. Still, man is really responsible for all the evil in the world, even though God foreknew it all. For, he argues, though all things happen as God foreknew them, this does not remove the responsibility of those who commit any crime, because we may think of Him as foreseeing what they would decide, not as controlling their decision.

Men have turned the writings of this African doctor into systems, but whatever else he is, he is not a system-maker. In one way or another his works are *livres de circonstance*, and this is especially true of his *De Civitate Dei*, begun about 413 and not finished before 428. What the World War is to our generation, the sack of Rome by Alaric and the Goths was to his. As ours asks, Why did not Christianity prevent the war? his asked, Why did not Christianity save the metropolis of mankind? Under the old deities Rome had expanded from a City-State into a world one, while under the new deity she contracted and became the prey of the barbarian. In order to meet this charge he wrote the *De Civitate Dei*, insisting in it that all the mitigations of the horror were due to Christian influence, and that the very men who blasphemed the name of Christ had themselves profited by the protection which it gave from earthly death. To say, as many did, that the destruction of the city had come about because she had

forsaken her gods was absurd, for these very gods failed to protect her in old days: they were powerless to avert any evil. Rather was it the case that all this evil was permitted by God, so that in the course of His Providence, His great purpose might be accomplished, and the City of God might be established among men. His polemic is against paganism, but the polemic expands into what is a philosophy of history that anticipates the famous ones of Bossuet and Vico. St. Augustine had long pondered over the problem of human history in the light of the relations between man and God. The *civitas superna* and the *civitas terrena* had as early as the year 400 taken shape in his mind as the ultimate factors in the story of mankind. His *De Civitate Dei* is almost the latest product of his mind. There is an incomparable charm in the autumn of genius—in the works which contain the final harvest of a great and quiet mind—in *The Tempest*, for instance, in *Don Quixote* and *Faust*. For some reflective, critical, melancholy natures, the latter season is best. They have once felt much; in the fall of the leaf their old intensity of sensation has reached the perfection of insight. They have wrestled with the secrets of the universe, like Jacob, all night long. On the eve of their departure they seek to leave a testament or message to the minds of their own race. So it was with St. Augustine.

The argument of the *De Civitate Dei* is that God who has everywhere impressed on nature regularity, beauty, and order—who has done everything in the physical world recording to number, weight, and measure—who has left not even the entrails of the smallest and meanest living creature, the feather of a bird, the little flower of a plant, or the leaf of a tree, without its exquisite harmony of parts, cannot have left the course of human affairs, the growth and decay of nations, their victories and defeats, unregulated by the laws of His Providence. The vicissitudes of empire can have their reason neither in chance—*i.e.* the absence of a cause, or the action of causes which operate in no intelligible order—nor in fate, if by fate be meant what happens of necessity independently of the will of God. These vicissitudes find their explanation only in that will

itself, in a divinely fore-ordained plan embracing all things and times, yet not inconsistent with men doing freely whatever they feel to be done by them simply because they will. With the Fall begins the human side of the *civitas terrena*, and it develops through Assyria and Rome. Through Shem to Seth and to the Creation we travel back to the heavenly city, through Cain to the fall of the angels and the fall of man we travel back to the earthly. The *Civitas Dei* began long ago, and in its fulfilment came the spread of the Gospel. There will be a mystical thousand years of the reign of Christ, to be followed by the fiercest of all persecutions. The ultimate goal of the *Civitas Dei* is the *pax eterna* and the *visio Dei*.

The first ten books of the *De Civitate Dei* aim at proving the inutility of the pagan religion of Rome, both in this world and the world to come. In the remaining twelve books their author treats of the origin, the history, and the destiny of the two civitates. The *civitas superna* is founded on the love of God, it steadily pursues the *pax caelestis*, and is the kingdom of Christ. The *civitas terrena* is founded on the love of self, it steadily pursues evil, and is the kingdom of the devil. The aim of the *civitas superna*, like that of the Greek State, is the life of goodness. It, and it alone, is the *civitas Dei*. The *civitas terrena* has for its possession worldly power and worldly wisdom, but it has not justice. Apart from justice, which the *civitas terrena* can only possess by borrowing from the *civitas Dei*, the great Empires of the world have been a great brigandage, *grande latrocinium*. The earthly Commonwealth, the State per se, is simply *grande latrocinium*. If it is possible to separate the two civitates, the State is Babylon, the *civitas* or *regnum diaboli*, the Church the *civitas Dei*. The *civitas Dei* is the *regnum Dei*.

As the course of the argument of this Father develops, it might seem as if the *civitas terrena* were the *reprobi* and the *civitas superna* were the *electi*. This would of course simplify Augustinian thought, but would fail to render justice to its complexity. A State may be more or less corrupt, but so long as it consists of a multitude of rational beings associated together in the harmonious enjoyment

of that which they love, they form a commonwealth. The Church is in a sense the *Civitas Dei*, but the saint is well aware that there is the Church visible and the Church invisible. The idea of the latter he puts forward in the form of the *Communio Sanctorum*, and to Origen the difference between the visible and the invisible Church is the difference between nominal and real Christianity. That is, the visible Church forms at most but a fragment of a kingdom which embraces not only the departed and the unborn, but the angels. True, outside the Church as outside the Greek State, no good can exist, for the conditions of goodness do not exist. Still, St. Augustine is clear-sighted enough to perceive that individuals outside the Church may belong to the *Civitas Dei*. Barely for a moment can he bring himself to think that *extra ecclesiam nullus salvus*.

As the wheat and the tares intermingle, so the elect and the non-elect intermingle, and will do so to the end of time. The *civitas superna* and the *civitas terrena* interpenetrate and are interdependent. The former requires buildings and possessions, and these come from the latter. Property and the rights of property flow from the State. What is a *civitas*? It is *concora hominum multitudo*. As Aristotle taught that fraternity formed the correlative of justice in the maintenance of society, so St. Augustine taught that the existence of the *civitas terrena* was only possible through mutual good will, and this in turn is only possible by the aid of justice. Without justice, in fact, no society of men can hold together. When there is not justice there can be no *jus*. In drawing out a comparison between a band of robbers or pirates and a kingdom, he seems to hold that the real distinction between them is that the latter possesses the quality of justice. The *civitas terrena* exists by virtue of its approximation to the *Civitas Dei*. All things exist by participation in God, the only true Reality, and therefore the *civitas terrena* shares in some measure the *civitas Dei*, the ultimate true and only *civitas*. By an easy transition we come to the conclusion that the Church, the ecclesiastical Society, takes the place of the *civitas superna*, and becomes the only true *civitas* which exists on earth. The State, in so far as it is Christian—*i.e.* in so far as it is other than

a grande latrocinium—merges, qua civitas, in the Church, with the consequence that the civil power becomes the weapon of the Church. For the legislator and the magistrate are the sons of the Church, bound to carry out the Church's aims.

That the State exercises rights is quite plain to St. Augustine. From the State comes property. It can resume rights that it alone has conferred. Why, then, should the Donatist grumble when the civil force confiscates his churches and his property? Why should the Catholic grumble when he suffers the same sad fate? It is, of course, a trial of his faith, but it is nothing more. There are limits to his obedience to the authority of the State. If it issues orders contrary to religion or morality, then it is for the Catholic to obey God rather than man. No doubt St. Augustine had not worked out all the implications of his views, but who ever does? Between his practical Churchmanship and his religious idealism there is a gulf not easy to bridge. The Empire is, to some extent, the regnum diaboli, but it is also the instrument and the vassal of God, of the Church. It is, or it may be, the Imperium in Ecclesia. In fact, we are coming close to the conception of the kingdom of God not as an ideal within men, but as an ideal with an omnipotent Church to enforce its idealism. There is the unity of the human race, involving the doctrine of the essential sociability of man. The Civitas Dei means, therefore, the social life of the children of God. When the kingdom of God is thus realised, we have in germ, to use the wise words of Bishop Robertson, the Counter-Reformation theory of the Church as a Societas Perfecta, an institution equipped with all that is necessary to a self-contained body-politic, perfect not indeed in the moral character of its members, but in organisation, institutions, and the divine right to everything necessary to the carrying out of its temporal ends.

There are, of course, two conceptions of property. There is the conception set before us by the Roman Civil Law, insisting on its absolute nature. There is also the conception set before us by jurists like Ulpian and the Stoics, insisting on its non-absolute nature. On the whole St.



Augustine adheres to the former conception. He argues that the source of right must either be divine or human. Since we hold our property by the law of the State, we must abide by the laws of the State. His desire not to upset them is evident in his reply to the Donatists in a letter to Vincentius: "Since every earthly possession can be rightly retained only on the ground either of Divine right, according to which all things belong to the righteous, or of human right, which is in the jurisdiction of the Kings of the Earth, you are mistaken in calling those things yours which you do not possess as righteous persons, and which you have forfeited by the laws of earthly sovereigns." Hence slavery is as justifiable to him as it is to Aristotle.

It is out of the question to find all the political views of St. Augustine in the *De Civitate Dei*. Repeatedly he recurs to such views throughout his numerous writings. As an admirer of the glory of Rome, he urges men to render to Caesar whatever is rightfully Caesar's, though he lays stress on rendering to God whatever is rightfully God's. Nor does the character of the Emperor dissolve the chains of allegiance to the Empire. Be the Government of Nero what it may, it is God's ordinance: our author endorses the Pauline injunction that the powers that be are ordained of God. The Donatists rejected not only the authority of the Church, but they also rejected the authority of the State. To them the State was veritably the kingdom of the devil, and not unnaturally they claimed entire freedom from civil obligations to it. In order to meet this charge, St. Augustine asserts at some length that the office of the king is sacred as representative of the State. In a letter to Marcellinus, he says: "Let those who say that the doctrine of Christ is incompatible with the State's well-being, give us an army composed of soldiers such as the doctrine of Christ requires them to be; let them give us such subjects, such husbands and wives, such parents and children, such masters and servants, such kings, such judges—in fine, even such tax-payers and tax-gatherers—as the Christian religion has taught that men should be, and then let them dare say that it is adverse to the State's well-being; yet rather let them no longer hesitate to confess

that this doctrine, if it were obeyed, would be the salvation of every commonwealth."

In the days of his controversies with the Manichees, the African doctor had believed in the force of argument. His colleagues furnished him with examples of successful coercion, and he came to believe in the argument of force. Few changes of opinion have proved so calamitous for the destiny of mankind. The opinion of his associates combined with the precedent of imperial legislation against paganism forced him to yield adherence to the principle "cogite intrare." Once he had yielded, he was able to meet the lawlessness of the Donatists by the law of the State. Did not their violence stand in contrast to the ordinatissimae potestates? It may be that there is but one *respublica* of all Christians. May there even be a dream of one commonwealth of Catholic Christians with its twin heads of Pope and Emperor? Dim as the outline of the *De Civitate Dei* may be, St. Augustine had unquestionably drawn a new ideal of the Kingdom of God on earth, in which the Empire should take its place within the Church, and the Church through it should govern the world. The *Civitas Dei* may be no earthly State, but unmistakably this Father had heralded such a conception. If he could say *Omnium Christianorum una respublica*, the Holy Roman Empire could also say it was the *Civitas Dei* on earth. Charlemagne and Otto could feel that they were translating the ideal into the real. Their claim is no less a one than to be "Lord of the World." Hence it is that Lord Bryce maintains that "it is hardly too much to say that the Holy Roman Empire was built upon the foundation of the *De Civitate Dei*." There are many definitions of mediaevalism—mostly unsatisfactory—and perhaps one of them is that mediaevalism begins when Augustinianism begins and ends when Augustinianism ends. Gregory VII, Innocent III, and Boniface VIII were one day to dot the i's and stroke the t's of what a fourth century writer had—consciously or unconsciously—laid down in his unsystematic fashion. Does not Gierke maintain that the logical development of the Augustinian doctrine involves the complete subjection of the State to the Church?

We are all familiar with the phrase of Ulpian in the Digest, "Quod principi placuit, legis habet vigorem." Do we sufficiently remember the continuation, "utpote cum lege regia, quae de imperio ejus lata est, populus ei et in eum omne suum imperium et potestatem conferat"? What pleases the Emperor is law simply because the people choose to have it so. Nor is this an opinion confined to Ulpian: it is the universal view of the Roman lawyers. They freely admit that the people, the universitas or populus, form the only ultimate source of political authority and of law. The feudalists continued this conception, for according to Bracton "there is no king where will rules and not law," a view precisely that of Aristotle. Bracton indeed maintains that all men are under the king, while he is under no man, but only under God; but he is under the law, for the law makes the king. Nor can we afford to forget that the classical and the mediaeval worlds regarded law not as something primarily created or made, but as something which existed as part of the local or national life. The supreme principle in political society is the authority of the law, the law which represents the principle of justice.

Men believed in the *jus naturale*, that body of principles of justice and reason which men can rationally apprehend, and which forms the ideal norm or standard of right conduct of the justice of social institutions. Alongside this natural law we have the *jus gentium*, embodying those principles which from the first beginnings of human life natural reason taught mankind. Ulpian, like St. Isidore of Seville, is clear that by natural law all men are equal. All institutions ought to conform to natural law, and if they do not the mediaeval assumption is that the non-conformation is due to the difference between the *primaeval* state of human life and actual conditions. God, according to the *Sachsenspiegel*, made all men in His own likeness, and redeemed man by His passion, the poor as well as the rich; there were no slaves when the forefathers of the Germans first settled in the land; slavery, or serfdom, began by violence and capture and unrighteous force; the law of Moses required all slaves to be set free in the seventh year; and the author holds that it is not in accordance with the

truth or the will of God that one man should belong to another.

There was feudalism in the Church as well as the State—if we bear in mind that these two institutions simply represent two aspects of one and the same society. The diocesan bishops were subject to the great metropolitans just as the princes were subject to the imperial throne. Sir Henry Maine, in a once famous generalisation, wrote that the progress of society tended to be from the status of former times to the contract of our time. He was not quite correct. The legislation of the last generation has taught us that we never quite get away from contract. We feel tempted to re-write his generalisation and confess that the progress of society is from unregulated contract to regulated contract. The contractual relation was the essence of feudalism though it was able to combine with it a personal devotion and a loyalty that seem to us almost inconceivable. For the contractual relationship of our time between employer and employed is devoid of personal loyalty and devotion. It is to the credit of human nature that it cannot live on calculations on the amounts of pleasure and pain suggested for our consideration by the theory of utility. Nor does mere contract stand in a whit better position. The mediaevalists knew this, and they secured between men a real relationship. No doubt romantic chroniclers have represented a stronger view of the prevalence of chivalry than was the case. Making all allowances for exaggeration, however, there was a something in the tie between lord and vassal that we have lost, and are all the poorer for the loss. Besides, if there is a lord who breaks his oath and refuses to administer law and justice to his people, they are not to permit this. If the lord breaks faith with his vassal, the vassal can bring the matter before the court, and he did so. If the vassal breaks faith with his lord, the lord can bring the matter before the court, and he also did so. In fact, the essence of feudalism is this system of contractual relations, all of them legally enforceable. Law governs the community, and this law is binding on vassal and lord alike, a position St. Augustine could have assumed. Allegiance rests everywhere on

mutual obligation. Even the relation of God and man was worked out in terms of contract. God had bound himself to man and man to himself by covenants and solemn promises. The Hebrew idea of covenant, the Roman legal idea of contract, the feudal mutual obligation—all are inextricably blended together.

In the letters and tractates of Pope Gelasius (492–6) we meet with phrases which describe the spiritual and the temporal powers as both deriving their authority from God Himself, and this is a view that meets with acceptance from both the political and the ecclesiastical writers of the ninth century. He drew out the conception of the two authorities which God had established in the world—the two authorities which had sometimes been united in pre-Christian time, but which in complete truth were united only in Christ Himself, who was both King and Priest. For He had divided them—allotting to the priest his particular authority, and to the king also his—in such fashion that while each needed the other, each was independent within his own sphere. In the one commonwealth and under the one king there are two peoples, two modes of life, two authorities, and a twofold organisation of jurisdiction. The commonwealth is the Church, the king is Christ, the two peoples are the two orders in the Church, that is, the clergy and the laity, the two modes of life are the spiritual and the carnal; the two authorities are the priesthood and the kingship, the twofold organisation is the divine law and the human. Such is the summary of Stephen of Tournai. Give to each its due and all things will be brought into agreement. Such is the conclusion of Stephen of Tournai.

With the advent of Hildebrand, afterwards Gregory VII (1073–80) the Greek conception of institutional Christianity is definitely replaced by the Latin conception. The greatest of all the popes, he assumes the commanding position of the supreme sovereign of Europe. With him the papacy was not merely the governing power over all things spiritual, but was also the governing power over all things temporal. He urges the base and sinful origin of secular authority.\* Do not kings and princes derive their authority from men,

who in pride, rapine, perfidy, and murder, and under the guidance of the devil, aspire in blind and intolerable presumption to make themselves lords of their equals? Who can doubt that the priests of Christ are the fathers and masters of all the faithful? He urges the example of the humility of Constantine, who at the Council of Nice sat below the humblest of the bishops, saying that they were not subject to his judgment, but rather he to theirs; and he cites the words of Gelasius, in which he declared that the greater burden belonged to the priests, for they would have to give account in the day of judgment even for kings.

A careless reader of the Hildebrandine conception might think that as the State had its origin in sin, it was therefore sinful. Such a view, however, would be a mistake. Perhaps we ought to point out that, philosophically speaking, the origin of the State in sin is the mediaeval equivalent of the modern anarchist's opinion that government is an evil, at the best a necessary evil. Henry IV came to Canossa in 1077 not because the State was sinful, but because his actions, in the eyes of Gregory VII, were sinful. Secular authority, according to Hildebrand, comes from God, and finds its true character in the defence and the maintenance of justice, and he hopes that there may be a true concord and agreement between the sacerdotium and the imperium, the two authorities which God has appointed to rule over the world.

There are two alternative ideals of a Kingdom of Christ on earth and of the method of its realisation. One is righteousness by means of government and the other government by means of righteousness. The latter is the leading notion of Christ, St. Paul, and St. Augustine. The former is the notion of Gregory VII, Innocent III, and Boniface VIII. Is the Church at bottom a Society or a Government? To St. Augustine she is a divine Society, to Gregory a divine Government. To both men civil government is founded upon force, but is it equally profane to both? In spite of his two civitates, St. Augustine cannot altogether identify the civitas Dei with the Church as readily as Gregory can. To him the Church is wholly sacred just as the State is almost wholly secular. Is it not the grande latrocinium?

Holding such opinions, the collision between the two sets of authority was inevitable. Neither Henry IV nor Philip I of France could possibly afford to yield. The prelates of the Church were feudal princes. The oath of vassalage of the bishop to the sovereign and the ring and crozier with which the latter invested the former were part and parcel of the contractual system of the day. At the same time the vassalage of spiritual persons to other than the spiritual lord threatened the independence of Christian teaching if it did not threaten the independence of the Church. Accordingly, we have the fierce contest over the question of investitures. Such was the occasion, but the deep-seated cause stretches back to the days of St. Augustine himself. Nor did the papacy have to contend with mean foes, for in Frederick Barbarossa it met a man moved by as lofty a consciousness of his divine mission to establish God's Kingdom on earth as Hildebrand himself.

Manegold, a priest of Lautenbach in Alsatia, wrote between 1080 and 1085 his *Ad Gebehardum Liber*, a powerful piece of pleading on behalf of the pretensions of Gregory VII. This priest's position is that while the office of a king is sacred, the holder thereof may forfeit his right to remain in it. The individual king may forfeit his authority, and then he cannot claim obedience in the name of the apostolic authority. In the last resort the temporal power is divine, though immediately it comes from the community. No man can make himself king or emperor; when therefore the people set one man over them, they do it in order that he should give to every man his due, that he should protect the good, destroy the wicked, and administer justice to all. As the royal authority excels all other in earthly power in dignity, so it should excel them all in justice and piety. In Platonic fashion, he argues that he who is to have the care of all, to govern all, should be adorned with greater virtue than others, that he may be able to exercise the powers entrusted to him with the highest equity. Of course St. Peter said, "Be subject to the king as supreme," and "Fear God, and honour the king." On probing the matter, Manegold finds that the title of king is a description not of a personal quality, but of an office, and obedience

is due to the office, not to a man who has been deposed from it. With his recognition of the august nature of political authority he refuses to admit that this means that the authority of the ruler is irresponsible or even irremovable. There are, in his opinion, real limits to the obedience of the subject.

Was Hildebrand right in absolving the subjects of Henry IV from their oath of allegiance? Manegold points out that the people elected him, that Henry IV had violated the agreement under which he was elected, and that as he has broken faith, the people are free from obedience to the agreement. Such a view was quite in keeping with the opinions of the canonists. The particular case of this Holy Roman Emperor can be broadened out into an examination of tyranny. Manegold sharply distinguishes between kingship and tyranny, and holds strongly that the ruler who governs tyrannically has no claim at all upon the obedience of his subjects. If he—such are his measured words—who has been elected to put down the wicked and to defend the good, turns to wickedness, oppresses the good, and plays the part of a tyrant over his subjects, then he justly falls from the office conferred upon him. The people are free from his dominion and from their subjection, inasmuch as he has violated that agreement (*pactum*) in virtue of which he was appointed. The people in such a case have not broken faith, for the king has first broken faith. For if one should engage a man for a fair wage to tend swine, Manegold frankly holds, and he finds means not to tend but to steal them, would not one remove him from his charge? Did not the Romans drive out Tarquin for the outrage which his son committed against Lucretia? Nor is this view unique. The authors of the Assizes of the Court of Burgesses of Jerusalem refuse to discharge any of their feudal obligations to the lord who refuses to render justice to his vassal according to the law and judgment of the court. John of Salisbury advocates even the lawfulness of the slaying of the tyrant. In the eyes of Manegold, Henry IV and his supporters had conspired against the authority of the Holy See and the unity of the Church, and therefore it is just that they should be coerced both by



spiritual censures and by secular force. The view of Glaucon is akin to that of Manegold, who is the first mediaevalist to represent the relationship between sovereign and subject in an agreement or pactum, a conception that is in entire accordance with prevailing feudal notions. Nor does he seek in remote antiquity for the origin of the social contract. To him it is simply an expression of the prevailing practice of his time. One wonders what Gregory VII thought of such whole-hearted advocacy of popular rights, the very last thing he wanted to establish.

There is a singular pleasure in reading the writings of so single-minded a scholar as John of Salisbury (c. 1115–80), a man who stood aloof from the controversies of his time saving that of the investitures. As secretary to archbishops Theobald, Thomas Becket and Richard, he came into contact with men who doubtless influenced him to adopt the strong hierarchical position he took up in his pregnant book, the *Policraticus*. This and his *Metalogicus* he wrote between 1155 and 1159. Becket received from him by no means indiscriminating support, for John of Salisbury plainly counselled him to adopt sober-minded plans in his contest with royal authority. A man with a detached outlook, his thought, like the thought of all the active minds of his day, was saturated with theology. The title of his *Policraticus* indicates that it has the same practical aim as the writings of Plato and Aristotle, for it is the statesman's book. Its alternative title, "sive de Nugis Curialium et Vestigiis Philosophorum," indicates another aim. The nature of the statesman and the nature of his material, man and his vanities, has also to be examined, and the task of analysis is performed with uncommon skill. In the first three books he explores the symptoms of the diseases afflicting the life of the State; in the next three he sets before us his ideal system of government; and in the last two books of the second section of the work, he examines not merely the nature of the individual but also that of the different schools of philosophy. A true mediaevalist in his belief in the far-reaching nature of any problem he investigated, his *Policraticus* is nothing short of an encyclopaedia, in the course of which he advances illustration

after illustration from the classics as well as from the Bible. Up to his time the work of Aristotle had been largely unknown. John of Salisbury revives the study of the Stagirite, and in his *Metalogicus* he bases his logical theory on Aristotle's *Organon*. Henceforward we have to reckon with the fact that Aristotle is elevated to a position not far short of that of the Fathers and the Canon Law. What commends John of Salisbury so much to us is his open-mindedness. Does he not give us a long list of the matters on which he reserves judgment? The reasonable soul, he takes occasion to point out, is God. By participation in God all things exist, a view sufficiently Augustinian. The good man, accordingly, for virtue is the antecedent of the right exercise of reason, may be trusted to know. Therefore with John of Salisbury freedom is the most glorious of all things, because it is inseparable from, if not identical with, virtue.

Anxious as John of Salisbury is to impose limits and conditions on royal authority, he is fair-minded enough to show that the authority of the prince comes from God. He maintains that the two swords both belong to the spiritual power, and that it is from it that the prince receives his sword, that the prince is the "minister" or servant of the sacerdotium, and administers that part of the "sacred office" which is unworthy to be discharged by the priest. Such a position was one that would commend itself to Gregory VII or to Innocent III, yet there is reason to think that the view taken by Stephen of Tournai is more in accordance with general opinion.

John's fundamental basis is the notion of equity as "the perfect adjustment of things" of which there are on earth two interpreters, the law and the civil ruler. The prince, moved by the love of justice, is as much released from the bands of the law as the philosopher-king. "His pleasure hath the force of law; because his sentence differs not from the mind of equity." Taking up the unusual view that the rank of the king places him in a co-ordinate position with the law, we learn that the sovereign is "an image of the divine majesty on earth. . . . All power is of the lord God: . . . the power of the prince is therefore in such wise of God that it is still his, though it be exercised through

the hand of a deputy." The argumentative skill of our author is plain. For he unduly magnifies the office of the sovereign in order to show how much greater is that of the Church from whom he really receives the power he wields. All the rank with which he is endowed, sufficiently extensive as it is, testifies amply to the widespread functions of the Church, whose servant the prince undoubtedly is. It is interesting to note that he writes that the State has been likened to a living organism of which the soul is represented by religion, the head by the prince, and the other members by the various classes of society. The hands are the soldiery, the feet the husbandmen and working people; the belly is the administration of finance, always inclined to surfeit and bring disorder upon the rest of the body; and the heart is the senate. He assigns to religion the "soul" of the government on the ground that its care is for the spiritual nature of man.

The local dispute between Henry II and Thomas Becket and the general dispute between Alexander III and Frederick were not far away when John was composing his arguments, yet he passes these matters by. Despite his hierarchical views, he is by no means unaware of the abuses prevalent in the Church, and the vices of ecclesiastics meet with his unsparing condemnation. The greed and avarice of the Roman clergy, their sale of justice, the building of palaces by Adrian IV, the exactions of bishops and archdeacons and of other officials and papal legates—all are denounced. He can then attack the appointment of unsuitable men to ecclesiastical offices by the Crown with a clear conscience. Naturally he assails the view of the defenders of the absolute authority of the prince who maintain that he is above all laws. They held, in the opinion of John, that no law was equal to the secular, and they urged the precedents of custom even against reason, a position abhorrent to his logical mind, and treated those who ventured to appeal to the divine law as if they were enemies of the prince. John had plainly smarted at the tone and temper of some of the lawyers of the court, and he was quite prepared to meet them with their own weapons. For he appeals to Roman law and its provisions for the protection of the

Church, its rights against aggression, and for the exemption of the clergy from the jurisdiction of the secular courts. It is obvious that as Aristotle was re-discovered, so Roman law was re-discovered. John invokes in favour of his view, that all the laws of the prince are idle and void if they do not conform to the divine law and the discipline of the Church, the Novels of Justinian. These lay down that the Imperial laws must "imitate" the sacred canons.

When John of Salisbury entrusts the prince with high authority he holds that the prince is even said to be "*legis nexibus absolutus*," not because he may do unjust things, but because it is his essential character to do justice and equity not out of fear but out of love. "But who would speak of the prince's will in public matters? whereas he has no leave to will aught therein, save that which is counselled by law or equity, or determined by the consideration of the general use? In such concerns his will ought to possess the validity of judgment, and most rightly in them." Yet the prince must remember that his justice is subordinate to that of God, whose justice is eternal and whose law is equity. Law is the interpreter of this equity, and John cites the words of Chrysippus as quoted in the Digest, that it is law which orders all things divine and human, and those of Papinian and Demosthenes, that law is formed and given by God, is taught by wise men, and established by the commonwealth. All, therefore, he concludes, are bound to obey the law, unless perchance some one claims to have licence to commit iniquity. The authority of law and the State, in the last resort, is the authority of justice and reason. How can a ruler not be legitimate who obeys the law? How can he be legitimate if he does not? Does he momentarily, however, forget that the Augustinian and the Gregorian tradition states that the evil ruler may be the instrument of God's punishment upon an evil people?

In form John of Salisbury does not hold the contract theory of Manegold: in substance he does. His distinction between the king and the tyrant leaves the subject in the same position as that assigned to him by Manegold. This distinction goes back to Aristotle, though John takes it

from St. Isidore of Seville, who in turn took it from Cicero. The only or supreme difference between the king and the tyrant, in the *Policraticus*, is that the prince governs the people according to law and obeys the law himself; the tyrant oppresses the people by violence, and is never satisfied unless he makes the law void and reduces the people to slavery. The will of the prince is never contrary to justice, a view akin to that of Hobbes. The prince is the public authority, and an image of the earthly majesty, and his authority is derived from God. The passage concludes with those famous phrases of the Code in which it is said that the authority of the prince depends upon the law, and that it is a thing greater than empire to submit the princely authority to the laws.

That respect for law we find in Bracton we find every whit as strongly in John of Salisbury. It is in this point that we perceive the fundamental difference between the prince and the tyrant. The prince is law-abiding; the tyrant is lawless. There are some, he points out, who whisper or even publicly proclaim that the prince is not subject to the law, and that whatever pleases him has the force of law; that is, not merely that which he, as legislator, has established by law in accordance with equity, but whatever he may chance to will. With an indignation equal to that of Aristotle he repudiates such a conception. The truth to him is that when men thus withdraw the king from the bonds of the law they make him an outlaw. Has the ruler no dispensing power? Of course he has, but such a power must not turn the permanent commands of the law into a mere instrument of his whims. Once more we strike the idea that there is a system of law far removed from chance or caprice.

At the end of the third book of the *Policraticus* the author plainly avows that the tyrant has no rights against the people, and may be justly and rightly slain. It is not only lawful to kill him, but equitable and just, for it is right that he who takes the sword should perish by the sword. He who receives his authority from God serves the law, and is the minister of law and justice, while he who usurps authority subjects the law to his will. Do not

men condemn treason? Is there any form of treason graver than that which attacks the whole system of justice? If in the case of treason anyone may act as prosecutor, how much more may a man act in the case of a crime which attacks the laws which should control even the emperor? In fact, is not he who does not attack the tyrant guilty of crime against himself as well as against the whole body of the Commonwealth?

Appealing to history, John, Bishop of Chartres, informs us that it is just to slay public tyrants, and to set free the people for the service of God; the priests of the Lord reckon their slaughter to be an act of piety. Nevertheless, their office debars priests from actually employing the sword of justice. He cites the excommunication of Theodosius, and speaks of him as having been suspended by St. Ambrose from the use of the regalia and the insignia of the empire. Did not Samuel on account of Saul's disobedience depose him and place the son of Jesse on the throne? He describes the end of many tyrants in the pages of Jewish history, from Eglon, king of Moab, to Holofernes. In Roman history he quotes the case of Julius Caesar whose genius he amply recognises. Yet because Caesar took command of the Commonwealth by force of arms, he was deemed to be a tyrant, and, with the consent of the great part of the Senate, was slain in the Capitol. Did not Augustus forbid men to call him Lord? Tiberius was slain by poison, and though poisoning is a detestable thing, yet the world judged the poison by which he was destroyed to be life-giving. In passing, we may note that John thinks the use of poison is not really justified by example, and is abhorrent to English customs. Caligula, the third tyrant, was slain by his servants, and with the death of Nero, the most monstrous and wicked of men, the family of the Caesars came to an end. Nor are the examples of tyrannicide exhausted by the deeds of this family. Were not Vitellius and Domitian murdered? The fate of the tyrant is obvious. The fate of the good ruler is no less obvious, and John of Salisbury takes pleasure in recording the justice and the felicity of the emperors from Nerva to Marcus Aurelius.

In 1266 appeared the *De Regimine Principum* of St.

Thomas Aquinas (c. 1227–74), perhaps the greatest philosophic mind between Aristotle and Descartes. He finished only Books I and II, i–iv, and the rest was completed before 1300 by his disciple and confessor, Ptolemy of Lucca. St. Thomas Aquinas, the Angelic Doctor, formally reintroduces Aristotle's *Politics* to the attention of men. The outcome of this introduction was a serious change in the conception of the State. Up to his time the institutions of society are regarded as conventional, not natural. These institutions have been devised to correct the vices of human nature since the Fall. The Angelic Doctor taught men the Greek view that the State was much more than a mere institution devised to correct the results of the transgression of Adam: it is the vital necessity for all who wish to realise a real and full human life.

Man is a social and political animal. The supreme power, governing man, may be confided to many, to few, or to one; and each of these arrangements possesses its merits and demerits. The influence of Aristotelian ideas is plain in his classification of governments into tyranny, oligarchy, democracy, polity, aristocracy, and kingdom. A tyrant is one who seeks his own advantage—not the good of the subject multitude—by his rule. An oligarchy differs only in the number of rulers from a tyranny, and on account of the riches of its members oppresses the plebs. A democracy has still larger numbers, and oppresses the rich for its own advantage. There is a polity when the administration is conducted for the benefit of the State by a certain part of the people. There is an aristocracy when the administration is carried on by a virtuous few for the common good. There is a kingdom when the administrative is conducted by a single person for the good of the community. In other words, a king is one who rules over a State or a province, and exercises his authority for the common weal.

On the fourfold ground of unity, the avoidance of variance, experience, and analogy St. Thomas Aquinas concludes that the security of society is best secured by a single ruler. As monarchy is the ideal, so tyranny is the very reverse of this ideal. Tyranny is the worst form of government

because it is most opposed to the best, monarchy; because the powers of officials are united for evil; because it seeks private, not public, ends; because evil arises singly from peculiar defects; because there is no security; and because of the spiritual as well as the temporal welfare of the subjects suffer. On grounds similar to these, the Romans entertained a deep hatred of kingship. An aristocracy or a democracy is a legitimate form of government. Yet we learn that from the rule of the many tyranny results more frequently than from the rule of one. Can the king not become a tyrant? Of course he can, and St. Thomas Aquinas suggests safeguards against this danger. The government of the kingdom should be so disposed that the opportunity of becoming a tyrant should be taken away. Besides, the power of the king should be so qualified that he cannot readily become a tyrant. Finally, when a king turns tyrant, if there is no excessive harshness, it is better to put up with it for a time than by assailing the tyrant to become implicated in many evils that are worse than tyranny itself. For it often happens that they who assail the tyrant cannot prevail against him, and so the tyrant is provoked, and commits graver injustice than before. The author quotes the story of an old woman who prayed for the life of Dionysius of Syracuse when everybody else was desiring his death. She justified her prayer by observing that every tyrant had been worse than his predecessors. Besides, there are resources. The people elected the king. If he rules contrary to the common weal, the same authority which put him into his position can curtail his power or can withdraw it. Witness the deposition of Tarquin the Proud and Domitian. If it is the duty of some superior to provide a king for the people, we should look for the remedy against injustice to the same source. When Archelaus, in imitation of his father's wickedness, oppressed the Jews, the latter appealed to Caesar. If, however, human aid cannot avail against a tyrant, we should have recourse to the King of Kings, even God. He has power to turn the cruel heart of tyrants to clemency and gentleness. The cases of Pharaoh and Nebuchadnezzar are adduced.

St. Thomas Aquinas analyses the motives that ought



to actuate the ideal king. According to him, Cicero defines the chief of the State as the maintainer of glory, and Aristotle in his *Ethics* thinks that the chief who is not content with honour and glory must necessarily become a tyrant. By examining the lives and sayings of men like Fabius and Sallust, of Cato and Torquatus, our author declares that the reward of a good king is not human honour, but divine. For the reward of virtue is happiness. Happiness is the final goal of our desires; when it is obtained no further good remains to be desired, and hence it is called a perfect good since it comprehends in itself all other things that are to be desired. The final perfection and complete good of anything is dependent upon something superior. Is there anything earthly, therefore, which is a sufficient reward for a monarch? For, as St. Augustine says, we do not call Christian princes happy because they rule long, or diminish the number of the enemies of the State, or can guard against and overcome those who rise in insurrection against them. We term them happy, however, if they rule justly and prefer to control their own passions rather than the inhabitants of any State you please. *Dominium Politicum* is the antithesis of *Dominium Despoticum* or the rule of the tyrant. Sociability is so much a part of St. Augustine and Aquinas that the latter regards the circumstance that the tyrant cannot win friendship as depriving him of one of the finest of earthly possessions. On the other hand, witness the case of Julius Caesar, of whom Suetonius said that he so loved his own soldiers that when he heard of their slaughter he did not trim his beard until he had taken revenge. This of course made his soldiers so devoted that when a number of them were taken prisoner, they refused to accept of life granted on condition of fighting against Caesar. Witness the case of Octavius Augustus, who was so deeply beloved by his subjects that several gave orders on their deathbed to slaughter the victims whom they had vowed because they left him still alive.

The rule of the unjust ruler is generally brief, and St. Thomas Aquinas reinforces this view by examples from Scripture and history. If some have survived longer than others, Aristotle provides the reason. It is simply due

to the fact that they did not fall much into the practices of tyranny, but imitated rather in many particulars regal moderation. The truth is that a king stands in the same relation to his kingdom, as the soul to the body and as God to the world. There is found in nature a universal and particular government. The universal, by which men are held under the rule of God, the particular found in the case of man, who for this reason is called a lesser cosmos, because in him is found the particular government. For as all creatures and all spiritual virtues are held under the divine rule; so the members of the body and the other powers of the mind are ruled by reason, and reason plays in man the part that God acts in the universe. And as each individual is ruled by reason, so is the multitude ruled by a king. On this comparison he bases the method of government. Just as God distinguishes each thing soever by its own order and peace, so a king should do the same to the subjects of his kingdom. The end of rule cannot be fully known if the reason for its institution is to be taken from the pattern of the institution of this world in which we find it. In this fashion we arrive at the Greek conception, put into the language of one of the greatest of all the Schoolmen, that the ultimate end of man is to live the virtuous life. Yet the ultimate end of society is not life in accordance with virtue, but the attainment of divine fruition by a life of virtue. The test of government is the degree to which the ruler directs his subjects to this further goal. Plainly, he anticipates the weakness of Machiavelli in identifying the activity of the prince with the activity of the State.

St. Thomas Aquinas has been apparently a long time in reaching the functions of the Church, and he does so by a process akin to that of John of Salisbury. Both men so exalt the office of the ruler that we begin to think of them as the most advanced of imperialists. As we are coming to this decision, we ascertain that it has been premature. The more the Angelic Doctor asks us to contemplate the sublime ruler, the more we become conscious how much such a ruler stands in need of the aid of the Church. We learn that man, by human virtue, cannot attain to divine fruition, but only by the assistance of divine virtue. Is

there any doubt as to the institution that can adequately supply such divine virtue? Does it not follow that it is not the duty of human government but of divine to lead men to the further goal? And this function, St. Thomas Aquinas hastens to remind us, has been delegated to the divine-human person, Jesus Christ, who is called both priest and king in the Scriptures. Further, all faithful Christians are members of His body, and are termed priests and kings. In order that the spiritual functions may be preserved distinct from earthly, the service of this kingdom has been entrusted not to earthly kings but to priests, and especially to that supreme (summo) priest, the successor of Peter, the Vicar of Christ, even the Roman pontiff to whom all kings ought to be subject as to our Lord Jesus Christ Himself. For as those who have the care of previous processes (antecedentium finium) should be obedient to him who has charge of the ultimate goal, so ought we to submit to be directed by the authority of the Lord Pope. In the Roman city, we learn, the custom has grown by degrees that the rulers of States are subject to priests. Valerius Maximus foresaw this situation, a situation by no means unique, for Julius Caesar in his *De Bello Gallico* shows that the Druids were even superior to the Chiefs.

The *De Regimine Principum* is not the sole work in which pertains to political philosophy, for in the *Summa contra Gentiles* there is much that is within our province. In it we perceive that it is necessary to have some supreme authority in matters of faith: this authority resides in the Pope, in whom is realised the unity of the Church and the presence of the divine government. To him, consequently, is entrusted the power to control and to revise the ordinances of religion. In order to prevent the rise of erroneous beliefs, he has competence to promulgate a new confession of faith. Nor is there any need to remind the reader that an Innocent III found "error" an ambiguous term. The influence of the humiliation of Henry IV at Canossa is evident in the declaration that from the moment of the issue of an authoritative excommunication against a sovereign, he loses the right to rule and his subjects are released from their oath of allegiance.

In form St. Thomas Aquinas places no restrictions on the absolute government of the king such as those we find in John of Salisbury. In practice, however, there is little to choose between these two writers. John of Salisbury places the king in a position external to law, because his acts were to be guided by the principles of eternal right. St. Thomas Aquinas places him in a similar position if we substitute the word virtue. What is to happen if the virtuous king of the Angelic Doctor and the king guided by external right of the Bishop of Chartres—the same character at bottom—collides, through his royal authority, with the law of the land? The argument of both thinkers is that such a collision is impossible. For such a ruler has forsaken his high duties and has become metamorphosed into a mere tyrant. At the same time St. Thomas Aquinas clearly allows the sovereign to supplement any deficiencies in the law generally obtaining. With St. Augustine, John of Salisbury and St. Thomas Aquinas hold that the ruler is bound by the laws. The proper king feels so bound: the improper king, or what Aquinas terms the king of the Lacedemonian order, feels nothing of the sort. In an advanced state of society he notes that there is always a certain number of citizens possessing the governing spirit, who may therefore be expected to dispute the authority of the prince, however much it may be limited by prescription; whereas in a ruder state of society an absolute monarch has the better expectation of the permanent enjoyment of power, because there, with the moral standard in the average low, it is easier for one man to stand out among his fellows with the special qualifications of kingship.

The Augustinian and the Gregorian regard the State as due to the Fall of man, a view Aquinas entirely rejects, and he rejects it under the influence of the Greek school. Without the Fall, there would have been no slavery; but, in spite of that, man's social instincts form an essential part of his constitution. Everyone, he holds, has the light of reason to direct him to the goal of common association, and if any man could live separately and apart from his fellows he would require no one to direct him on the path of duty and each would be a king to himself under the

King of Kings. Man, however, is naturally a social and political animal, living in society more than all other animals. Breaking with the cosmopolitanism of the Middle Ages, Aquinas analyses the results of community of manners and customs, and for a thirteenth century thinker he comes wonderfully close to a conception of nationality. Nor is the influence of Plato and Aristotle altogether without significance when we note that Aquinas evinces a preference for the small State as compared with the large. On property and commerce, on usury and the family, he reproduces the views of the Stagirite. Aquinas emphasises the duty of the State to provide for the education of all its members, and there ought to be none destitute within the State. From the days of Julian, apostasy has been held to free men from obedience. Like most men of his age, he cannot understand the idea of religious toleration, for none but the baptised can become a citizen of the State. Still, he can see the force of objections against the compulsory baptism of the children of unbelievers, and he endorses them.

Thomistic teaching on the nature of law leaves much to the discretion of man. If legislation loses the character of conformity to the divine will, it, *ipso facto*, loses the character of law; it is no longer binding. With St. Augustine, he holds that unjust laws are not laws at all; they are rather the depravation of law. Now laws can be unjust in divers fashions; *ex fine*, when they are contrary to the public weal; *ex auctore*, when they are *ultra vires*; *ex forma*, when they violate that principle of distributive justice on which Plato and Aristotle laid such stress. In these three instances the laws do not bind men. Christians must obey the prince, but the limit is in *quantum ordo iustitiae requirit*, a limit as elastic as "error" in the mind of a Pope.

The view that written and unwritten or natural law sets limits on the obedience of the subject connects itself with the question of tyrannicide. The question of obedience or disobedience to the law sets men thinking on the nature of kingly rule. Nor is the difficulty lessened when we reflect that downtrodden folk rarely rebel. When, however, they

have been downtrodden and then are well treated, they do rebel. Such men are apt to scrutinise the acts of the ruler anxiously in order to note any grievances they possess. No set of men with an independent spirit will bear unjust government, and St. Thomas sees no reason why they should bear it. Such men possess the right of insurrection. He points out in his *Summa* that tyrannical government is unjust because it does not act with regard for the common weal. Accordingly, the overthrow of such a government does not share the nature of sedition. Rather the tyrant is seditious, for he forces his subjects into discord and strife in order to rule the more certainly. Nor must we overlook the point that St. Thomas Aquinas holds that all forms of monarchy, even the hereditary, are in the last resort elective. If the citizens, by virtue of their right of possessing power, grant authority to the sovereign, they can also withdraw this grant. The deposing power is, however, one to be employed only in the last resort, and St. Thomas obviously fears its employment. However legitimate it may be, the troubles to which it inevitably leads may injure the people just as much as the continuation of the tyranny. The right of insurrection is, then, dangerous. Even if it is successful, too often it is followed by civil dissensions, ending in a fresh tyranny worse than the first.

In far-off England the influence of these writings was felt, and we have a secular lawyer like Sir John Fortescue (c. 1394–1476) advocating the supremacy of the ecclesiastical over the civil power. In the service of the house of Lancaster he wielded both sword and pen. As befits a chief justice, there is an air of reality about his writings that is characteristically English. The Law of Nature from the days of Heraclitus had been a misty conception, but with Fortescue it takes the practical turn of helping to settle in his *De Natura Legis Naturae* written between 1461 and 1463, the succession to the throne. From 1471 to 1476 he was working at his book *On the Governance of England*. Though he had visited and observed the institutions of other countries, those of his native land stand first in his esteem. France for him is the land of despotism, England the land of constitutional freedom.

He contrasts the French and English financial systems, noting the greater value of the domains of the king and the dowry of the queen in his own country. He also contrasts the misery of the French peasant with the comfort of the English yeoman, and he contrasts the readiness with which the taxes are paid in England with the "grudging" they call forth in France. To-day it is not a little curious to find that Fortescue found France to be the land of large properties compared with the small properties of England.

On religious and historical grounds he thoroughly endorses the conclusions of St. Thomas Aquinas that tyranny is invariably short-lived. He pleads both for personal and constitutional liberty. The best form of monarchy is limited or "politic," resting on the sovereignty of the people. He is so appalled by the use of torture to extract a confession from the prisoner that he confesses that he would rather twenty guilty persons should escape than that one guiltless person should be condemned unjustly. He displays ample confidence in the future of Parliament. Our laws are excellent, and if there is any defect in them Parliament can readily remedy it. He follows St. Thomas Aquinas in holding that the law which directs men to the ultimate end, happiness, is higher than that which simply points to the nearer end, virtue. We hear that Christ is the King of all the world, and that the Pope is His vicar upon earth, to whom all earthly powers are subject, even to the kissing of his feet. The supremacy of the Pope is both temporal and spiritual. He may oblige kings to rule their subjects justly, and he may punish them if they do not. Christ the Lord of all the world has placed in the hands of the Pope His vicar both swords, and he is Rex et Sacerdos.

We are in a new world when we meet with the next commentator on the English constitution, the man whom the late F. W. Maitland called the Rev. Prof. Dr. Sir Thomas Smith, Knt., Dean of Carlisle, Provost of Eton, Ambassador to the Court of France and Secretary of State to Queen Elizabeth. The contrast between the Papalist and the Imperialist conceptions can readily be perceived by first reading the writing of Fortescue and then turning to that of Smith. Smith begins his *De Republica Anglorum*,

published in 1583, with the orthodox Aristotelian account of the sixfold division of commonwealths. "To rule," he tells us, "is understood to have the highest and supreme authority of commandment," and in England the king bears this rule. Like Fortescue, he is legal, he is patriotic, and he is a fervent admirer of most matters English. He is too practical to be worried by the fact that though he classes his country as a monarchy, yet it also leans to a democracy. We hear nothing about the best form of government, for Smith is acute enough to perceive that monarchy suits one stage in national growth just as democracy suits another. With as full a belief in parliamentary government as Fortescue, he provides us with an ampler account of its forms and authority. Passing by the Councils of the Tudor Age—he himself was a Secretary—and passing by the ecclesiastical Courts—he himself was a Dean—he proceeds, like Fortescue, to spend his strength on the ordinary courts and their various forms of law. Like his predecessor, Fortescue, he turns aside to compare the position of affairs in "constitutional" England with that in "absolute" France. Nor can we afford to forget the circumstance that under the courts he considers the powers of Parliament, which was—and is—a court. Parliament, in his judgment, is the most high and absolute power of the realm—at least in time of peace—and the king presides over parliament. The Tudor sovereigns had so identified themselves with the people that it does not seem to occur to our author that a day may come when Parliament is ranged on one side and the monarch on the other. And, indeed, to a Tudor mind such a position seemed well-nigh impossible. Not till the Armada of 1588 and the more formidable one of 1596 had disappeared was such a collision of two high authorities conceivable. The Parliament of 1601 gave Elizabeth the first taste of that opposition the Stuarts were to experience so keenly.



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## Chapter III.

### THE IMPERIALISTS.

LORD BRYCE draws our attention to a street in Florence on each side of which stand statues of the famous Florentines of the fourteenth and fifteenth centuries—Dante, Giotto, Petrarch, Boccaccio, Ghiberti, Machiavelli, Michael Angelo, and others scarcely less illustrious, all natives of the little city which in their days had never a population of more than seventy thousand souls. No one can walk between these rows of world-famous figures, matched by no other city in the world, without asking himself what cause determined so much of the highest genius to this one spot; why in Italy herself populous Milan and Naples and Venice have no such list to show. The usual remark to make is that times of effort and struggle like the Elizabethan tend to rouse rare genius, a remark that is only true within severe limits. "The wind bloweth where it listeth" is an answer as close to the facts as any other. The wreck of a falling Empire impressed Dante (1265–1321) as it had impressed St. Augustine, and, indeed, these two writers possess much in common. Each is convinced that he can detect the hand of God in history, and each owns the same conception of the Church. The *De Civitate Dei* of St. Augustine and the *De Monarchia* of Dante investigate the true function of the Church in relation to human society, and they also investigate the true essence, origin and sanction of human nature and society. Whatever period an historian examines, at bottom he writes the history of his own time. In like fashion Dante wrote his *De Monarchia* about 1311 or 1312, and this date is written all over it. In St. Augustine's day the supreme authority in the Church is the episcopate, whereas in Dante's it is the Pope. In the writings of both men Platonic influence is easily discerned; the Monarcha of Dante's work is Plato's heaven-born statesman.

If the factions of Florence made Dante a great poet, they also made him a great publicist. The bitter feuds of his

native country taught him to see the true springs and abysses of the life of the State as well as those of Beatrice. The Emperor and the Pope, with their followers in the Ghibellines and the Guelfs, were only too familiar to him. On the one side stood the Emperor's liegemen, the Ghibellines, and the watchword of the noblemen of this party was authority and law. On the other side stood the Pope's liegemen, the Guelfs, and the watchword of the middle classes of this party was liberty. The white lily of Florence, borne by the Ghibellines, changed its hue to red at the hands of the Guelfs, and the flower of the two colours marked a civil strife as cruel and as fatal, if on a smaller scale, as that of the English roses. Who could end it? Was a hero like Henry VII to be the man destined for this high task? Or, was it to be Boniface VIII? In various writings Dante terms the Pope the "Successor of Peter," the "Pilot of Peter's Ship," the "Chief Shepherd," "Father of Fathers," "Gate-Keeper of the Kingdom of Heaven," "Husband of the Church," and "Vicar of Christ and of God." In spite of these titles, the visions of Dante convinced him of the divine endowment and commission of the Roman people to rule the world. Italy was "the garden of the Empire," and he compared Italy without an Emperor to a desolate widow or a riderless horse. Dante stood alone, pondering his poem in the sylvan solitudes of Fonte Avellana. He who is to receive a message from God must be alone with the Alone. It was so with St. Paul, who after the experience on the road to Damascus spent over a year in the solitudes near Mount Sinai, a spot hallowed by the retirement to it of Moses and Elijah. It is noteworthy that the profoundest book St. Paul wrote, the Epistle to the Ephesians, and the greatest book of uninspired religious genius, the *Pilgrim's Progress*, were written in jails. Mohammed meditated his message on the mount above Mecca, and Cervantes wrote the saddest book in the world in the seclusion of a prison. All men who have a message to their fellows come to realise the justice of the remark Dr. Copleston addressed to Newman, once meeting him taking his lonely walk, "Nunquam minus solus quam cum solus."

Utterly weary of the endless strife between Guelf and Ghibelline, Dante dreams his dream, based on what had been, and anticipating what was to come. In his vision he sees arise a real and national government, founded on justice and law. His *De Monarchia* is to prove that the secular power owns a divine origin and sanction, and that it is independent of the spiritual. Since the death of that singularly dazzling Emperor, Frederick II, the Empire was fast falling into decay. In nature Dante saw significant signs that law and its results, justice, peace and stability ought to be, and might be, realised among men. St. Augustine had seen all this, but his sight had made the vision twofold, the *civitas terrena* and the *civitas superna*. His dualism had led him to raise the latter at the expense of the former. His thought of the commonwealth of men as a *grande latrocinium* is never far from the mind of a Gregory VII or a Boniface VIII. Augustinianism is written all over the Middle Ages. It inspires the simile of the two great lights. The imperium has no light of its own, but all is borrowed from the sacerdotium. As the sun is superior to the moon, so is papal power superior to imperial. Since St. Augustine's day, it is a dualism inherent in mediaeval thought. The Church had her mission in the solace and the blessing she bestowed on individual souls and on society. For a time she had governed society, but that function she must now abdicate. For Dante argued that the power to grant authority in that which is the kingdom of our mortal state is contrary to the nature of the Church, and he drew the conclusion that it is not in the number of the Church's powers. In a word, he gets rid of the Augustinian dualism, and replaces it by a *civitas* with a moral as well as a material aim. Deeply influenced by Aristotelian thought, he discerns in the purpose of the State *bene sufficienterque vivere*. The life of virtue is well within the capacity of the *civitas terrena*, and this life is more than individual. No one man can wholly realise it; its adequate realisation demands the participation of mankind as a whole.

Mankind has before it the high task of realising in its corporate capacity the divine will. Tranquillity and peace

are decidedly essential for its deep realisation. It follows, on true Aristotelian lines, that peace is the proximate end of human government; not a merely terrestrial peace, but a peace which comprises the blessings of the heaven above and the earth beneath. "Whence it is manifest that universal peace is the best of those things which are ordered for our happiness. Hence it is that the shepherds heard from on high not of wealth, nor of pleasures, nor of honours, nor long life, nor health, nor strength, nor beauty, but of Peace. For the heavenly host proclaims, 'Glory to God in the highest, and on earth peace to men of goodwill.'" For the same reason the Saviour of men gave as His greeting, "Peace be with you."

The prestige of the Roman Empire still retained a strong hold on men, and they could not bring themselves to believe that this Empire had wholly vanished. Dante recalls the days of Augustus when peace and tranquillity really existed. What the Roman Empire had once done, it could do again. Is not the most perfect happiness realised when the Church as a waggon rests upon the Empire as a beam? In the second book of the *De Monarchia* Dante seeks to establish the title of the Roman people to Universal Empire. In order to prove the pre-eminence of right on the part of the Roman people and their heirs, the Emperors of Christendom, he appeals to the course of Providence, to their high and noble ancestry, to the blessings of their just and considerate laws, to their unselfish guardianship of the world, their noble examples of private virtue, self-devotion and public spirit—"those most sacred victims of the Decian house, who laid down their lives for the public weal, as Livy—not as *they* deserved, but as *he* was able—tells their glory; and that unspeakable sacrifice of freedom's sternest guardians, the Catos." Dante proceeds to appeal not merely to the "judgment of God" in that great duel and wager of battle for empire, in which heaven declared against all other champions and "co-athletes"—Alexander, Pyrrhus, Hannibal, and by all the formalities of judicial combat awarded the prize to those who fought, not for love or hatred, but justice. Of course there are also arguments to be adduced "from the principles of the

Christian faith," and there are miracles. "The Roman Empire," Dante solemnly states, "was, in order to its perfections, aided by the help of miracles; therefore it was willed by God, and, by consequence, both was, and is, of right." And these miracles, "proved by the testimony of illustrious authorities," are the prodigies of Livy—the ancile of Numa, the geese of the Capitol, the escape of Clelia, and the hail-storm which checked Hannibal. The history of Rome is invoked to show that single combat is the orthodox method of settling disputes, because it is a duel between man and man. Æneas conquers Turnus; the Horatii conquer the Curiatii; Fabricius conquers Tyrrhus; and Scipio conquers Hannibal. In this survey of the course of history we learn that by a series of duels with Sabines and Carthaginians, Greeks and Assyrians and Egyptians, *urbs* becomes *orbis*. Dante then deduces that the result of such duels is right. Still, when two nations quarrel they are to try to settle the dispute by discussion. In fact, he entertains the idea of arbitration.

The Emperors had played their part in the past, and Dante assigns to them grand powers in the future. Man can only realise all his gifts when he unites with other men in a common life. For such a life peace is indispensable, and who can realise this happy state unless the monarch? Mankind can secure its highest possible perfection under a single political head. Aristotle had taught us that "we allow not man to govern, but the Law," and the sovereign will realise this lofty ideal. His authority comes directly from God Himself. Naturally in spiritual matters he will recognise the Pope as his Father. To the Pope he will not allow the powers St. Thomas Aquinas or John of Salisbury granted him. He will, however, allow to him that "we owe, not whatever we owe to Christ, but whatever we owe to Peter." The argument from the two lights is not really so sound as it appears. For both lights existed before man's creation at a time when he was innocent, and therefore required no controlling powers. God created these lights on the fourth, and man on the sixth, day. As accident does not exist before essence, and as the two powers exist to remedy sin, the sun and moon cannot symbolise them

because they existed before man and before his fall. Nor does the moon derive all her light from the sun, but just so much as makes her more effective. It follows that the temporal stands in no need of aid from the spiritual authority. Moreover, the temporal power of the papacy is clearly against its own form and essence, the life of Christ, who said, "My kingdom is not of this world." It is more than a mistake for the Church to assume the charge of earthly monarchy; it is a contravention of her real nature. "So, then, it is clear that the authority of temporal monarchy comes down to it immediately from the fountain-head of universal authority. This fountain-head, united in the citadel of its oneness, flows out into many channels from the overflowing of goodness." The Hohenstaufen Emperors had gone down before the might of the ideals of Gregory VII, Innocent III, and Boniface VIII. Outwardly these Popes had won the day. The *De Monarchia*, however, stands as a protest that they had failed in their genuine work, the bringing of religion home to the mass of mankind. Dante reaffirms the demand of Arnold of Brescia that the Pope should be the purely spiritual head of a purely spiritual Church. The pages of Dante are eternally alive, and they owe their life to the fact that their author cared intensely, eagerly, even bitterly, about the events he was describing. Perhaps—such is the weakness of human nature—that care for Italy was incompatible with absolute accuracy. The noblest of the precious metals cannot be handled by the goldsmith till it has been mixed with some alloy. There is alloy, no doubt, in Dante's dream; but in spite of it, or because of it, his work is imperishable.

History had demonstrated from the fourth century that when the Church entered whole-heartedly into temporal affairs, she, with disastrous consequences, forgot her main mission. Dante adumbrates the day when the *civitas superna* is to be replaced by the *civitas terrena*. Matthew Arnold used to circulate a story that a catechism used in French schools, after enumerating the various benefits of civic society, asks the question, "Who gives you all this?" and the answer was "the State." Dante, of course, never foresaw such an effect of his effort to secure riddance of the



dualism of St. Augustine. "He builded better than he knew," so runs the old saw. "He builded *other* than he knew," is another version, and every whit as true a one. For Dante built other than he knew. After all, *l'histoire, c'est la science de devenir*. The political husbandman, as Castelar remarked, does not always foresee what manner of crop will be gathered off the lands he has digged and sown. It was Kossuth, the revolutionary, who advocated Hungarian autonomy, but it was Déák, the conservative, who realised it. It was republicans who preached the unity of Germany; it was carried through by Bismarck the autocrat. It was they who preached the emancipation of the serf, which a despotic Tsar enacted. It was the extremist Gambetta who played for a republic, which it was the task of the moderate Thiers to render effective. It was Dante who dreamed of the future of the Universal Empire which subtle schemers turned into the channel of nationality. It was Mazzini, the conspirator as well as the prophet, who insisted on the unity of Italy; it was Cavour, the calculating statesman, who realised it. "Let Caesar," these are the words with which Dante closes his *De Monarchia*, "therefore, show towards Peter the reverence wherewith a firstborn son honours his father, that, being illumined by the light of paternal favour, he may the more excellently shine forth upon the whole world, to the rule of which he has been appointed by Him alone who is of all things, both spiritual and temporal, the King and Governor." His book may be, as Lord Bryce puts it, in a true sense the epitaph of a dead ideal; but in a truer sense still the prophecy of a more glorious future.

The spirit of nascent nationality is as evident in Pierre Du Bois (c. 1255-1312) as it is in Dante. What Italy had gained through the Empire, France gained through her kings. Under the cold, shrewd sway of Philip Augustus royalty had made strides towards power, and Louis IX, Saint Louis, warmed royalty into higher life by his nobleness. He proclaimed that as no man can serve two masters, all barons holding fiefs under him and also under Henry III of England, must choose one lord or other; and almost all chose to abandon their holdings under the King of England.

Louis IX fulfilled the ideals of Dante, for he never wearied at his task of ensuing peace within his borders. With the fall of the Hohenstaufen, he stood out as the foremost King in Christendom. Matthew Paris, regarding him from afar with friendly eyes, as the bulwark against Papal ambition, says he is "the most illustrious and wealthy of the kings of the earth," and styles him "King of Kings." In later times, just as the English nation looked back to the days and laws of King Edward the Confessor, so did the French look back to the justice and character of St. Louis. As the Empire had fallen, France had risen. The electors chose Rudolf of Hapsburg as Emperor in 1273, and with him the new order of the Empire begins. With the last race it had been the Holy Roman Empire. With the new it becomes rather the German Empire, tending after a time largely to increase the influence of Austria, until at last in 1806 it crumbles away under Napoleon's touch.

Pierre Du Bois grew to maturity surrounded by the atmosphere of the Roman Law. At Paris many of the lawyers come from the south, and are therefore bred up in reverence for the Roman, as distinct from either Customary or Canon Law. These cold and rigid men, who wielded this new force in Europe have been called "the destroyers of the Middle Ages." Before them the towers of feudalism crumbled down. Before them the Church felt that she could no longer plead her right of sanctuary. For the law was a two-edged sword, smiting down Pope as well as Baron. Aristotle in the Schools and the Digest in the courts—these were the newly-aroused spirits of Greece and Rome which began to awaken the sleepers of Christendom. When Boniface VIII crossed the path of Philip IV, the story of Gregory VII and Henry IV was not destined to be repeated. When Philip IV defeated Boniface VIII, it was more than a passing triumph, for in effect the Civil Law routed the champion of the Canon Law. Had not the Bull *Unam Sanctam* declared that "it is necessary to salvation that every creature should be subject to the Roman Pope"? At the great Jubilee of 1300, Boniface VIII no more said, "I am Caesar, I am Emperor," than Louis XIV said, "L'état,

c'est moi," but the spirit of these utterances admirably represents the temper of the two men. The reply of Philip IV to the Bull *Ausculia, fili* had been, "Philip . . . to Boniface, who makes himself out to be Sovereign Pontiff, little or no greeting. Be it known to thy supreme idiocy that we are subject to no man in things temporal. . . . Such as think otherwise we count to be fools and madmen."

It is plain that we have travelled far from the days of Gregory VII, and the more we study the career of Pierre Du Bois the plainer it becomes. In him the spirit of Roman Law was incarnate. As a gentleman of the robe he took service with all his heart and with all his mind on behalf of the King of France. His special duty lay, when he became *avocat royal*, in detecting the encroachments of the courts of the Church upon the courts of the King. His career marks what Renan calls "*l'avènement de l'homme du Tiers-Etat.*" Du Bois remembered the lectures of Siger de Brabant on the "Politics" of Aristotle, and he also remembered hearing St. Thomas Aquinas preach, but it is obvious that the lecture created a more lively impression on his youthful mind than the sermon. As a royal legist of plebeian birth, he naturally adhered to the cause of the monarchy with all his capacity. The quarrel between Philip and Boniface, the infamous proceedings against the Templars, French policy on the Rhine, in Italy, and in Spain all called forth pamphlets from his pen just as much as such evils of the Church as the fees and fines of ecclesiastical jurisdiction and temporalities. The Civil Law really ought to step in to control the Canon. There ought to be notaries, and there ought to be procurators to call for the assistance of the notaries. How can law rule if judges are liable to excommunication for the punishment of contumacious clerks? During the last sixty years the revenues in Norman sees have increased from nothing to more than two million francs. Clearly the goods of the bishops should be transferred to laymen who will pension them. The goods of the monasteries should also be transferred in trust to laymen who will pay out the annual incomes. The number of nunneries is to be sharply cut down, and, if possible, they are to be turned into schools for girls.

Pierre Du Bois is prepared to deal drastically with the Gallican Church, and he is equally prepared to deal drastically with the Church at large. In his two ablest pamphlets, the *De Abbreviatione* (1300) and the *De Recuperatione* (1306), he ranges over most topics, recurring to that of the Church in the latter again and again. The Church stands in need of urgent reform, and the agent of this reform should be a general council, little noting that the nascent nationalism of men like himself and Dante ruined beforehand the prospects of such a council. He is in a firmer position when he urges the abolition of the temporalities of the Church. Her office is essentially a teaching one, but because of the temporalities it happens that her ministers have to spend their time on the lawsuits the temporalities necessitate. Cannot the patrimony of St. Peter be conferred on the King of France, who will thereupon appoint a senator of Rome and receive the homage of those who hold of the Pope, such as the King of England? Of course the Church will have just enough to prevent want. The advantages of this policy are not to be gainsaid, but what are we to think of its practicability? At the same time Du Bois is quite right in pointing out in his *De Recuperatione Terrae Sanctae* that the efforts of a Boniface VIII to enforce his ideas on the *civitas terrena* only hinder their effect on the *civitas superna*. In consequence we learn that "wars are stirred up, numbers of princes are condemned by the Church, together with their adherents, and thus die more men than can be counted, whose souls probably go down to hell and whom nevertheless it is the Pope's duty to save. . . . Because of his sanctity the Pope should aspire only to the glory of pardoning, praying, giving judgment among Catholic princes, so as to bring souls safe to God; but he shows himself to be the author, promoter and exerciser of many wars and homicides, and sets an evil example. It depends on him to conserve his ordinary resources without being turned from the care of souls; it is in his hands to rid himself of worldly occasions and to avoid the cause of so many evils. If he will not accept so great an advantage, will he not incur the reproaches of all men for his cupidity, pride and bold presumption?" In some of these proposals

we almost see the hands of Henry VIII, but in these we also hear the voice of Colet. "If a prelate," Du Bois points out, "wishes to devote himself entirely to contemplation, like Mary, he should enter upon some religious life. And if prelates are supposed to live both sorts of life, and in them obtain blessedness, they should be instructed in what pertains to both."

We may give Du Bois credit for a genuine desire to cure the diseases of the body politic. An old student of Aristotle, he advocates the view that every prince who rules for his own sake is a tyrant. In the first part of the *De Recuperatione* he discusses the recovery of the Holy Land, beholding in this project devices for extending the influence of his native land. Obviously for the success of the Crusade there must be peace in Europe. His plan of securing peace is to unite Europe under the sway of Philip IV. Nor was it so naïve as at first sight it appears, for France in 1306 occupied a most commanding position. Apart from this consideration the countrymen of other lands can find out that "it is the peculiar merit of the French to have a surer judgment than other nations, not to act without consideration, nor to place themselves in opposition to right reason." The stars in their courses fight for the King of France—so we learn—provided he is born and bred in France.

Germany causes Pierre du Bois difficulty, for she is the home already of a universal empire—of sorts since 1273. The Germans were as little anxious in the fourteenth century to regard the French as supermen as the French were to regard the Germans in this light in the twentieth. In the *De Abbreviatione* it seems to Du Bois that the God of Battles must settle the matter. In the *De Recuperatione* the onus shifts to the Hapsburgs, who will seek an alliance with France if Philip IV will help them to make the Imperial crown hereditary in their house. In 1308 another idea strikes him. Why shall not Philip of France stand as a candidate for the crown of Germany? Significant as these dreams are, it is interesting to note that obviously since 1273 the Holy Roman Empire is being replaced by the German Empire. There is to be a French Empire just as

there is a German Empire. Nor does he care for the elective system which has wrought such havoc in the Holy Roman Empire.

Some of the advantages of the French Empire could scarcely appeal to Boniface VIII, but, indeed, could any of them? For Du Bois informs us that while the Emperor is dependent on the Pope, as he receives his crown from him, this is not the case, however, with the French King. His power is inherent, and knows no superior authority. If our avocat royal relaxes the ties of the *civitas superna*, he does not relax those of the *civitas terrena*. Considering the case of the reduction of the Lombards by the King of France, when he receives suzerainty over them from the Emperor, Du Bois holds it is quite in order, "for nothing could authorise them to refuse obedience to their prince." We hear not a little about the power of the prince over his subjects as well as over the pope. An *imperium in imperio* in any shape is obviously unpalatable. Not that the royal *imperium* is by any means perfect. The debasement of the coinage, that all too common evil in France, the unfair levy of taxation, a permanent wrong in France, and the equally unfair military services—all these meet with censure at the hands of Pierre Du Bois. Nor are the law courts in an ideal condition. With a zeal for their reform comparable to Oliver Cromwell's, he desires the cheapening of justice and the shortening of the laws. In fact, as Renan puts it, he anticipates the Code Napoléon by some five centuries. Roman law is to come before men in a form worthy of its lineage.

Pierre Du Bois manifests a zeal for education that is in keeping with classical traditions. His zeal, however, is for what the Germans aptly call bread-and-butter studies. In his anxiety for the success of the Crusade, he wishes to unite the Nestorian Christians of the East to the Catholic Church, and he also wishes to convert the Mohammedans. Such a task demands highly educated folk skilled in debate. Boys and girls alike—this is original—from the ages of four, five, or six years all learn Latin. Then some specialise in Greek, some in Arabic, and some in each of the other languages of the East. Nor is the range of study to be

confined to eastern languages, for some make a study of medicine and surgery, some of natural science, some of mathematics, some of civil and canon law, and some of theology. One's pleasure in reading such a programme for schools and colleges is a trifle dashed when we note the uses to which the author puts the courses. Take history. Du Bois shows that "as soon as they begin to construe, on feast-days let the Gradual and Breviary, with only so much of the Missal as is in the Bible, be construed to them; after the Breviary, the Golden Legends of the Saints and short prose selections from the histories of the poets. They should write themes upon these histories, or, still better, turn them into Latin again; they will help them in the future rather than the useless histories now in fashion; so no time will be wasted as hitherto, and their compositions will be of lasting value to them."

It is rather a relief to turn to the scheme of arbitration he proposes. If a general council is to reform the Church, a general council is to reform the relations of States. For since the Holy Roman Empire has broken down, the urgency of such a method of settling disputes is obvious. This general council is to set up a tribunal of three prelates as judges. With six advocates, three for each side, they are to investigate the charge. With a prescience worthy of Woodrow Wilson, he ordains that the judges and advocates are to be "men of substance, and such as are obviously incapable of being corrupted by love, hate, fear, greed, or anything else. These shall come together in a suitable place, and having been strictly sworn and presented before their coming with the articles of the petition and the defence, fully set forth, shall receive witnesses and instruments, and, first rejecting all that is superfluous and beside the point, shall diligently examine them. They shall listen to the examination of each witness by at least two men, sworn and faithful and true; the depositions shall be written down and very diligently examined, and most carefully kept by the judges, to prevent fraud and falsehood. . . . In giving judgment, if it be expedient, let them have assessors who are to their knowledge faithful and skilled in divine and canon and civil law. If either party

be discontented with their sentence the same judges shall send the process and judgment to the apostolic seat, for it to be amended or altered by the Supreme Pontiff for the time being, as shall seem good to him, or if not, to be confirmed for a perpetual memorial and registered in the chronicles of the Holy Roman Church." It is something to have anticipated Sully's *Grand Design*, Rousseau's *European Federation*, and Kant's *Everlasting Peace*. It is also something to have anticipated Machiavelli and Bodin. Bishop Stubbs used to declare that everything was in the *De Recuperatione Terrae Sanctae*, including the new woman. He might also have added that it included that striking personage, the new national monarch.

The most original thinker of the fourteenth century was Marsiglio of Padua (c. 1278–1343), a man who pierced the fundamental secrets of statesmanship more deeply than any of his contemporaries. Talleyrand, who seems to have felt for Alexander Hamilton something as near affection as that cold heart could feel, said, after knowing all the famous men of the time, that only Fox and Napoleon were Hamilton's equals, and that he divined Europe, having never seen it. We can pay an even higher compliment to Marsiglio, for he not merely divined the Europe of his own day, but he also divined the Europe of the ages unborn. The mark of the great statesman is written all over his magnum opus, entitled *Defensor Pacis*, written in 1324, a work that influenced the sixteenth century more than the fourteenth or the fifteenth. There are few things more strange than the history of an argument. How often has a cause or an idea turned out, in the eyes of posterity, so much better than its arguments. How often have we seen arguments getting as it were into a groove, and unable to extricate themselves, so as to do themselves justice. In the history of political science one age cannot comprehend another. It takes time to disengage, subordinate and eliminate. "Nothing is without its age and date," wrote Tertullian; "all things wait for their time." Nothing is without its place. The feudal system never rooted itself firmly in Italy, and this partly accounts for the fact that there is a striking parallel between the mediaeval Italian



Republics and the ancient Greek cities. Nor is it unintelligible that two of the greatest political philosophers of the Middle Ages, St. Thomas Aquinas and Marsiglio, were Italians.

Nowadays a thinker of the highest calibre is at least a generation before he comes into his own, and during the fourteenth century such a man took two or even three generations before he came into his own. Marsiglio, we are not altogether surprised to learn, made his mark comparatively speedily. A medical doctor, an archbishop of Milan, he is not the man we quite expect to find the outstanding champion of Imperialism. The physician, the soldier, and the friend of Louis IV of Bavaria, he proved more successful as an author than as a counsellor. John XXII excommunicated the Emperor, Marsiglio of Padua, and his collaborator in the *Defensor Pacis*, John of Jandum. What moved Marsiglio to take the side of the Emperor? He paid a visit to Avignon, then the seat of the papacy. Did he feel towards the corruption of Avignon what Luther felt on a similar visit when he beheld the corruptions of Rome? Be that as it may, the papacy found in him one of the most determined of foes. In 1342 Louis IV asked him to defend a divorce between Margaret, daughter of Henry of Tyrol and John Henry of Moravia. He wrote his *De Jure Imperatoris in Causis Matrimonialibus*, and William of Ockham did the same. At the end of the same year Marsiglio wrote a small review of the *Defensor Pacis*, called the *Defensio Minor*, and with it he incorporated his small tract on marriage.

It is probable that the title of Dante's *De Monarchia* inspired Marsiglio to choose the name of *Defensor Pacis* for his book. Dante, as well as St. Augustine, had ranked peace as the highest earthly good, and Marsiglio heartily adopts this view. The disturbers of tranquillity had been the popes who attempted to enforce their authority in matters temporal as well as matters spiritual. Adopting Aristotle's famous maxim that the State is a self-sufficing whole, originating in the need to live, but existing for the sake of the good life, he defines peace as that "good disposition" in the State which allows every part of it to

discharge its reasonable and normal functions perfectly. The first book of the *Defensor Pacis* analyses the task of the State in promoting the "vita sufficiens"; the second makes a sustained attack on the claims of the clergy in general and on those of the pope in particular; and the last provides a convenient summary of the results.

The inspirer of the first book is Aristotle, not the Bible. The State, we learn, derives its origin from the family. From one family come many families, and from one town come many towns. Agriculturists and artificers, soldiers and merchants, priests and rulers come with the families and the towns. These discharge their functions on behalf of the common weal, marking a contrast with the mediaeval classes or estates which simply acted in their own interest. There is little reference to the Aristotelian six forms of government. Instead of them, we read that the community elect a prince to be their head, and he derives all his authority from them. The papacy provides an example of elective monarchy in which the principle of election works better than hereditary succession. Marsiglio contemplates a hereditary prince, but he plainly prefers an elective one. He anticipates the English doctrine that all the acts of the prince are done in the names of officers who are responsible for them, one of the most certain signs of the wisdom of the author of such a proposal. There is a sharp line drawn between legislation and administration. For the duty of enforcing the laws the prince possesses armed men, and, indeed, Marsiglio is keen-sighted enough to note that laws wanting sanction are worse than useless, for they bring the laws and the lawgiver into contempt. This coercive jurisdiction is lodged with the prince alone, but he derives it from the assembly which is the legislator.

With an insight that marks an advance on Dante, Marsiglio distinguishes between the prince and the legislator. Pierre Du Bois makes much of woman, but he does not. In the company of minors, slaves, and foreigners he excludes them from participation in the duties of the assembly. In true mediaeval manner, any man can propose a law in the assembly. With Aristotle, he makes the lawgiver to be "the people or totality of its citizens, or its more weighty

part (*pars valentior*), acting by means of its choice or will expressed in words in the general assembly of the citizens," the first assertion in the annals of political science of the sovereignty of the people. That *pars* is more weighty (*valentior*) "by the number of persons in it and by their worth," and he renders it quite plain that the quality of the *pars* is at least as important as the quantity. Hence if the law proposed by anyone is impracticable, the assembly may elect a body of wise men whose duty it shall be to prepare the laws and lay them before the assembly for its discussion and approval.

As the prince is the executive instrument of the assembly, his duties are laid down by law. He is responsible to the assembly for his conduct in administering the law, and he acts through his officials. If he supervises generally the people to be allowed to enter a certain class in the State, the lawgiver of assembly in turn decides particularly what their number shall be. Nor is the size of the armed force at the disposal of the prince to be unlimited, for might he not then overawe the legislator? If the prince issues orders that are *ultra vires* or if he disobeys the laws of the land, the lawgiver steps in to punish or depose him. Election to office will remind the prince that his authority flows from the electors. Besides, such election informs the governor of the State that he occupies his position not because he is his father's son, but because he possesses the character that will enable him to discharge his duties to the commonwealth. The Holy Roman Empire is not discernible, even in the background of Marsiglio's thought. The ultimate sovereign to him is the assembly.

The greatest institution in the world, in the considered judgment of Marsiglio of Padua, is the State. It carries out two duties, one to care for man's weal in this world, the other to care for it in the world to come. The latter is no exclusive concern of the *civitas Dei*. Anticipating the accuracy of the scholarship of our day, he defines the *Ecclesia* to be the assembly of the whole body. This, he shows, is its original meaning in Greek politics. In modern times it has come to mean either a building, or else the clergy. Its true Christian meaning, as we see from St.

Paul's speech at Miletus, is the "universitas credentium fidelium." He applies the term spiritual to religious acts and religious persons, but he deliberately refuses to apply it to property or to persons when temporal matters are at stake. The issue is, Did Christ confer upon the Church, and especially on the popes, any authority over temporal affairs? He presses the weakness of the *a priori* argument. The question, he insists, is not what Christ *could* confer, but what as a matter of fact He *intended* to confer and actually *did* confer. Employing the explicit arguments of Dante and the implicit arguments of St. Augustine, he comes to the conclusion that the Franciscan view of evangelical poverty is the true one. With Dante he argues that the Church as a spiritual body cannot possess property. The offerings of the faithful will provide for her requirements.

With Marsiglio a new turn is given to the arguments of the investiture controversy. If the Ecclesia is the "universitas credentium fidelium," he thinks that the clergy owe their institution to Christ. He also thinks that the legislator possesses the sole power of appointment of all officers in the body politic. He harmonises these two views by drawing a distinction between the right to minister in any given place and the priesthood in itself, which comes from God by human transmission. The essentials of the priesthood are the power of the keys and the Mass, and in these essentials priest and pope are absolutely alike. The State requires builders and handworkers, and it also requires priests. As it can arrange the number and the organisation of these toilers, it can also arrange the number of priests and the laws for their organisation.

Stressing the view of St. Jerome, Marsiglio points out that in the New Testament presbyter and bishop are synonymous terms. Is the episcopacy the *esse* of the Church? Or is it no more than the *bene esse*? All priests are equal in power. A pope or a bishop is wanted for the sake of unity and of order in the Church. The authority of these officials, in the last resort, comes from the legislator or its representative, the prince. While admitting the priest derives his power from ordination, he holds that his local appointment comes from the "*fidelium multitudo*,"

and this in turn comes from the "fidelis legislator humanus." Marsiglio cannot allow ecclesiastical exemptions. "Seeking (against the command or counsel of Christ and the Apostles) the dignities of secular men, (the popes) have broken forth in legislation separate from that of the citizen-body, and have decreed all the clergy exempt from secular law, thus inducing schism in the State and a plurality of sovereign governments within it, under which human peace is impossible. . . . This is the root and origin of the plague from which the Italian kingdom suffers," and if Marsiglio was to have his way it was not so to suffer any more.

Our thinker employs all his ability in a notable analysis of the origin and powers of the papacy. He examines the relevant New Testament passages, deciding that St. Peter exercised no jurisdiction over the other Apostles, denying *inter alia* that he had any connection with Rome. The true origin of the papacy lies in no command of Holy Writ, but simply in the convenience of the Church. Other Churches went to Rome for advice, and the precedents for this advice came to be taken—wrongfully, in the author's judgment—for jurisdiction. Here he takes occasion to point out that he has known other universities apply to that of Paris, and no scholar assumed that there was any right of jurisdiction. The custom of decretals sprang from the convenience of the Church. For a similar reason Marsiglio desires a papacy, but a papacy of the same type as the principedom of the State. Such a pope could not possess the plenitudo potestatis, thus removing a fruitful source of strife. Thoroughly evil is "the wrong opinion and perchance perverse desire of governing" on the part of the papacy, "which has long vexed the kingdom of Italy, and has withheld it . . . from its quiet or peace, to wit, by preventing with all its might the promotion or institution of a Roman emperor and his activity in the said Empire." Such a state of affairs is to pass away. The pope is to have no voice of any kind in the election of the prince or the emperor. The clergy possess no rights over the prince. Is not their office purely spiritual, and hence it affords them no warrant for such interference? On the other hand, ecclesiastics are subject to the laws of

the State. Neither they nor the bishops can release the subject from his oath of allegiance. With a faith in a general council equal to that of Pierre Du Bois, Marsiglio entrusts to it difficult or disputed questions even on the meaning of the Gospel. In 1324 he anticipates the labours of the reforming Councils of Constance (1414-18) and of Basle (1431-43).

There is so much that is modern in the *Defensor Pacis* that we are not surprised to learn that its author is a fervent believer in the virtues of toleration. The Gospel is doctrine, not law, and no force is authorised by it to compel its acceptance. The Church cannot coerce either a believer or an unbeliever to follow the precepts of evangelical law. Marsiglio disapproves of the punishment of heretics save when their heresy inflicts injury on the commonwealth. The sole ground of human punishment is *contra praeceptum humanae legis*. Plato had laid down, "Let this be the law; no one shall possess shrines of the Gods in private houses, and he who is found to possess them, and perform any sacred rites not publicly authorised, shall be informed against as to the guardians of the law; and let them issue orders that he shall carry his private rites to the public temples, and if he do not obey, let them inflict a penalty until he comply. And if a person be proven guilty of impiety, not merely from childish levity, but such as grown-up men may be guilty of, let him be punished with death." When we turn to the *Defensor Pacis* we read: "I say it is not lawful for any man to judge a heretic or misbeliever, or compel him to any pain or punishment in the state of this life. For no man though he sinneth never so greatly against any manner of discipline, speculative or practical, is punished in this world precisely in that he is such a one; but in that he sinneth against the law of man."

The physician-archbishop did not labour in vain. John XXII had already condemned him as a heretic, and the author of the *Defensor Pacis* had done nothing to make the pope alter his view. The faculty of theology of the University of Paris recited four errors to be found in it; the pope or his advisers had found five. Men like Peter Palude, patriarch of Jerusalem, Alvárez Pelagius, and

Gerald Odo wrote against it. Clement V was able to extract two hundred and fifty heretical articles out of it. Naturally one effect of these papal attacks was to advertise the book. In 1363 there was a translation into French. In 1378 the Great Schism happened, and men interested in the conciliar movement inevitably read the condemned writings of Marsiglio. They influenced Nicolas of Cusa and Matthias Döring, Jacques Almain and Martin Luther. In England, William Marshall translated the *Defensor Pacis*, because he deemed it "the best book in English against the usurped power of the Bishop of Rome," and Thomas Cromwell felt favourably disposed towards this translation. When there were lists of prohibited books, the *Defensor Pacis* took its place on the index. In 1546 the faculty of theology of the University of Louvain decided that the writings of the heresiarch were to be "rooted out." Rooted out they certainly were not, and among the books ushering in the triumph of the modern State we assign a very high place to the *Defensor Pacis*.

The originality of Marsiglio is sufficient to demonstrate that he had no need to borrow anything from the works of such a distinguished Englishman as William of Ockham (—d. 1349?), the Invincible Doctor. Like Marsiglio, he defended against John XXII in his *Opus nonaginta Dierum*, written in ninety days about 1330, the doctrine of evangelical poverty. His literary works were actively produced from 1330 to 1349, appearing some time after the *Defensio Pacis*. Ockham is as anxious to conceal his opinions as Marsiglio is to avow them. The former, in correct scholastic fashion, collects the arguments on both sides of every question, and seldom arrives at a conclusion. Still, he could effect much on behalf of any cause he succoured, and tradition ascribed to him when he met Louis IV the words, "O imperator, defende me gladio et ego defendam te verbo." He was as strange a Franciscan as Marsiglio was a strange archbishop, for he steadily exposed the errors of the papacy, writing probably before 1338 his *Compendium errorum papae*, which makes John XXII answerable for seven heresies and seventy errors.

At the Diets of Frankfurt in 1338 and 1339 the German

Estates solemnly enounced and embodied in a Pragmatic Sanction the declaration that the Empire is held from God alone, and that the sovereign, once duly chosen, needs no confirmation or approval by the Pope. The electors in their famous conference held at Rhense in 1338 made a like declaration. Shortly before this conference Ockham wrote his *Super potestate summi pontificis octo quaestionum decisiones*. In this book he employs such orthodox authorities as the Bible, the Fathers, the "Sentences," St. Bernard's *De Consideratione*, and Aristotle's *Politics*. He also employs the Civil and Canon Law and historians of the rank of Otto of Freisingen. How little there is in common between his ideas and those of Marsiglio is evident when we note that Ockham presents us with a view not unlike Dante's. Church and State, we perceive, exist side by side, each doing good to the community in its own proper sphere. We meet with the familiar comparison of the State to the body and the Church to the soul, of the Emperor to the moon, and the Pope to the sun, or of their relations being akin to that of father and son. As William of Ockham contrasts the temporal with the eternal, the high place of religion is clear. Still, if the Emperor is a Catholic prince he may take part in the election of the pope if the cardinals are heretical—a contingency not so remote as it sounds when we remember that the writer thereof held that John XXII had promulgated no less than seven heresies. If the pope is guilty of heresy, if he refuses to return to the paths of orthodoxy, and if the ecclesiastical authority will discharge their bounden duty, then the Emperor—even if he be a heretic—may depose him. Nor is the reason of this conduct at all recondite. An heretical pope will inflict such injury on the subjects of even an unbelieving prince that the State will suffer.

As the temporal affairs of subjects come before the temporal courts, so the temporal affairs of subjects, when they are also spiritual, come before the temporal courts. The pope forms no exception. If he commit a crime in the eyes of the law, then the ordinary courts are to try him. If there are disputes between laymen and clerks, the lay courts settle the matter. If there are gifts presented to the



Church they are by no means freed from the supervision of the State. Are not the lands and property of the Church temporalities? As Ockham's answer is that they are, they are to be taxed by the State, and, he hastens to add, protected by the State. What is to happen if the Church in the person of pope or priest offers resistance to the commands of the State? Obviously force must be used, for the State possesses her rights to obedience. Appealing to Christianity as a whole, Ockham seeks to limit the powers of the Pope. For if he possesses such large powers he reduces Christians to the position of his slaves. If he exercises the supreme prerogative over all, kings and subjects alike, then all are under him. He is the only free man, and all others are simply slaves. Ockham argues that Christianity is a law of liberty, and that Christ in freeing Christians from the bondage of the law has rescued them from all servitude. How is His law a law of liberty if they merely exchange one servitude for another? In a word, Christian liberty to him forms the foundation—the guarantee, if you will—of civil liberty.

The interdict pronounced by Clement VI against Louis IV summoned William of Ockham to write his *Dialogus* in three parts. The first examines the seat of authority in matters of faith; the second treats of the heresies of John XXII, and the third discusses the problem of secular and religious authority. Clearly, any attack on papal claims must assume the form of an attack upon the principle of authority. This dialogue penetratingly examines the origin of the papacy. The Invincible Doctor holds that Christ gave Peter no principality over the other Apostles, that Peter was never bishop of Rome, and that consequently the primacy of the pope is of human origin. He maintains that the indefectibility of the Church is guaranteed for all time, in contrast with her fallibility at any given time. Neither pope nor priest, neither general council nor the majority of the faithful are exempt from the possibility of error.

If the Emperor can interfere in the affairs of the Church, William of Ockham allows that the pope can in turn interfere in the affairs of the State. If there is a vacancy in the

imperial succession, the pope, in his capacity as representative of the Romans, may act as vicar, if there is no one else to do so. With the actual election, however, the pope is not concerned, though he anoints the choice of the electors and crowns him. If the Emperor does not give justice to his subjects, and if no one else will force him, then the pope as representative of the people may depose the unjust Emperor. On cause shown, the pope may release the subject from his allegiance to the prince. Unlike the Emperor, the pope finds his hands tightly tied by the circumstance that he must never use compulsion; all the means at his disposal is instruction. It is evident that if the heads of the Church and the State are to live on friendly terms, they must be careful each of the rights of the other. If on an extraordinary occasion the pope can interfere in an imperial election, let him remember that he cannot do so on an ordinary occasion. On the other hand, if the prince has jurisdiction over marriage as a partly human institution, let him remember that it is also a partly divine institution. In fact, in spite of the separation of the functions of Church and State, no true mediaevalist — and Ockham was a mediaevalist — ever succeeded in regarding them as anything more than a twofold aspect of one and the same institution. It is quite clear that the amount of room for common action on the part of Marsiglio and Ockham is much smaller than one has been led to expect. The former did infinitely more against the Church and for the State than the latter.

The last name on the bead-roll of the Imperialists is by no means the least illustrious, for John Wyclif (c. 1320–84) left the impress of his vigorous personality in many directions. Neither Dante, nor Marsiglio, nor Ockham had raised the banner of revolt against any article of the creed of the Church. No doubt the *De Monarchia* assaults the Hildebrandine ideal of the temporal power of the papacy. What it begins the *Defensor Pacis* and the *Dialogus* pursue to its logical conclusion in demanding serious changes in the constitution of the Church in her relations with the State. With Wyclif and Hus we reach a wholly different position of affairs, for both attack the doctrine of the Church. The

logic of Dante, Marsiglio and Ockham had been largely concerned with external organisation. It was reserved for the dialectic of Wyclif to perceive that the mind of man could not rest there. For the internal organisation as well as the external organisation was open to assault, and accordingly Wyclif and Hus proceeded to assault it. For the background of Wyclif's life we do well to remember that the removal of the papacy from Rome to Avignon lasted from 1305 to 1378, and that it was followed by the Great Schism from 1378 to 1414, during which there were rival popes, one at Rome, the other at Avignon. Nor is it possible to avert our eyes from the horrible devastation wrought by the Black Death which raged with intense fury in 1349, 1362, 1369 and 1376. With the loss of half the population of the whole continent the Europe of the Middle Ages came to an end, and the ages of hope and growth are succeeded by the ages of hopelessness and decay. As the old world visibly perished before the eyes of men, it left the task of any who would reconstruct another world all the easier. Nationalism replaces internationalism, for, however widely they differ, Dante and Marsiglio, Ockham and Wyclif, all represent national opposition to the papacy.

It is usual to say that Oxford University is the home of movements, while Cambridge University is the home of men. Thought is as corporate in the former as it is individualistic in the latter. True as this is generally, the career of John Wyclif suggests that he provides another instance of the working of this obiter dictum. For he was an Oxford man who achieved no large measure of success in founding a movement. He was almost the last of the scholars and philosophers whom mediaeval Oxford produced. Like Marsiglio and Ockham, he took Holy Orders, and by his sincerity obtained them. Possessed with an ardent sense of the dissolution of society, devoted intensely to the study of the Bible, he proclaimed with undaunted courage the theories he came to conceive for the salvation of man and for the salvation of society. As Augustinian as his imperialist predecessors, he was more thoroughly nationalist than any of them, even Dante. His Augustinianism is at least as prominent as his nationalism.

A theologian and a schoolman primarily, at Oxford he had fallen under the influence of Thomas Bradwardine, the "Doctor Profundus" of Merton, and his teaching was essentially a revival of Augustinianism. The pupil often receives his master's teaching with a difference. This difference is plain in the turn Wyclif gave to Augustinianism. He does not, like Bradwardine, object to merit *de congruo*, and he abandons the Augustinian condemnation of "natural" morality. He protests against the idea of arbitrary divine decrees. True, he insists much upon the necessity of divine grace, but his predestination wears a reasonable form; it is directed to the highest good of all creatures, not arbitrary. In spite of his strong assertion that all that happens is of necessity, and that the whole course of the world's history is the necessary outcome of will—that is to say the essential and eternal nature—of God, he speaks of human freedom in his earlier writings in something more than the sense in which St. Augustine and St. Thomas Aquinas admit it. Was he trying to steer a middle course between the indeterminism of FitzRalph, afterwards Archbishop of Armagh, and the thoroughgoing predestinarianism of Bradwardine?

The great doctrine with which the name of Wyclif is associated, that of the Dominion of Grace, is not his. He takes it bodily from FitzRalph, who took it from Origen and Cyprian, and many another. His thought, then, has a pedigree, but what seminal thought has not? The practical conclusions of the doctrine of the dominion of grace are entirely Wyclif's, and he has drawn them with his characteristic insight and his equally characteristic courage. We are no longer dealing with a William of Ockham, who hesitates to draw any kind of conclusion. All dominion, Wyclif holds, is founded upon the will of God. Dominion is of three kinds, natural, evangelical and political. Natural dominion is the dominion which man had, by the grace of God, over all men and all things before the Fall—a joint dominion over things and a dominion over other men of which the correlative is submission to a like dominion of those others—a state in which all in love serve one another.

To Wyclif, as to the Jew, the first idea in his theology

was the greatness of God. The innumerable and ~~inexplicable~~ matters of life are simply the whirling wheel on which the clay is changed and shaped till the potter's design is finally accomplished. Eastern nations realise the sovereignty of God; Western nations do not. In this respect, Wyclif was markedly eastern in his mental affinities. To him the independence and the restlessness of the westerner were utterly abhorrent. God is great, and it is not in our power to resist. God knows all, and, in spite of the saying of Alfonso of Castile, it is not in our capacity to criticise. We are His creatures, and are at His disposal. Has He sent good? Blessed be God. Has He sent evil? Blessed be God. We are the clay and He is the Potter. The doctrine of the dominion of grace is built upon the sovereignty of God. God is absolute Lord, because He is Creator. He is not absolute only, but immediate; there is no other lord between Him and us. He can never part with His lordship. He may lend it, but He never gives it.

With Wyclif the Augustinian doctrine of the power of God wears a feudal form, for Wyclif spoke to men in the language they understood, and this of course proved one great secret of his hold over them. Hence he inevitably speaks of God dividing His earthly Lordship among men in the shape of fiefs, great and small. Under the rules of feudalism no fief belongs absolutely to the possessor. It is held under a lord, who holds it under the king. The grant of the fief means a contract, and the tenant agrees to render his lord homage and service. If he does not fulfil his contract, his lord will deprive him of his land. So long, however, as the vassal remains in the right attitude towards his lord, he is allowed to retain what his lord has lent him. Apply this whole conception to the *Regnum Dei*. The right attitude towards God is the state of grace. If a man remains in it he can pay his debt to God. If, on the other hand, he falls from this state of grace, he cannot own anything, for he has forfeited all the rights of ownership. Wyclif reached the logical conclusion that no man, whether king or peasant, can be said to own anything at all, and that whatever he has can be taken away from him if he falls from grace.

Academic as he was originally, Wyclif applied his ideas as thoroughly as any business man could desire. The friars were bound by their vows to absolute poverty. Might it not be held that if they accumulated property under any pretext whatever, they *ipso facto* fell from grace? Feudalism in the State had been a valiant attempt to correlate the rights and duties of property. Feudalism in the Church had been a no less valiant attempt to correlate the rights and duties of property. St. Francis of Assisi could argue that the possession of even a Psalter was unlawful, and Wyclif beheld with his own eyes the vast and growing possessions of the friars. Nor was his indignation at this fall from grace lessened when he realised that the friars, in order to keep their vow of poverty to the letter, had made the pope universal trustee of their property. All the evils of the Church, he thought, could be accounted for by the wealth with which she was encumbered. Surely the remedy was that, not the friars and monks only, but the secular clergy also should be deprived of all landed property by the temporal lords, and nothing left except the tithes. Even the tithes were to be regarded as pure alms, which any man might withhold if he judged the priest unworthy.

The rank individualism of Wyclif is what impresses the modern reader, a proof that the Black Death had broken with many of the traditions of the Middle Ages. Wyclif argues that only the righteous man truly possesses any property. Why? Possession exists to confer benefit on the possessors. Only a righteous man, however, uses anything so as really to extract good from it. Moreover, not only does no one else really own anything, but the righteous owns everything. "All things are yours"—so it is laid down—"all things work together for good to them that love God." The completed meaning of possession accrues to the righteous as it can accrue to none else. If he keeps his goods, this is true. If he loses them it is none the less true, for the loss of them redounds to his growth in grace, and hence he really possesses them. On the other hand, the wicked really possess nothing. A wicked man may have the whole world to call his own, but how can

this possession bring him any profit? The reason that it cannot do so is that he uses his possession for his own exclusive benefit; he does not use it to God. The righteous man can derive profit from whatever he receives, for "to him that hath shall be given; and to him that hath not the grace of God shall be taken away even that which he hath," *i.e.* his earthly goods.

The old order had been the Empire or the Church, the commune, the guild, the scholastic system; the individual is always part of some group, and has no existence apart from it. The new order was the State, the national Church, the merchant, the individual. The old order had been authority and asceticism; the new was reason and joy in the whole of life. For a thousand years there had been as much authority in social life as in intellectual. Unknown men had been content to build the cathedrals of the Middle Ages, whereas the men of the New Age asserted themselves to the utmost. The thirst for glory became unquenchable. Genius prevents man finding an equal, pride prevents him from lowering himself to an inferior. The statues used to be in the cathedral, for they were erected to the glory of God. Now they stood in the market-place to be seen of men. Man used to be bound to a bishop, a lord, a municipality, to a school, or a body. Now he proudly steps on the stage as himself, eager to develop his capacities for his own benefit, with boundless confidence in his will, his superiority, and his infinite variety. The body dissolves into the units which compose it. There is no longer the papacy; there is the pope, who is a lord like other lords. There is no longer the Holy Roman Empire; there is the Emperor who is also a lord no more than other lords. There is no longer the city; there is the prince. There is no longer the university; there is the spirit of humanism. The painter ceased to depict the group; the portrait is his masterpiece. He used to describe on the walls of cemeteries the triumph of death; now he describes on the walls of houses the triumph of life. The quest is no more the One in the Many; it is the Many in the One.

The changes that Wyclif ushered in did not take place in his own day any more than the changes ushered in by

Marsiglio took place in his. The seminal ideas of both thinkers were dropped into the minds of men, and the Renaissance and the Reformation were to garner their harvest. Thanks to his view of the dominion of grace, Wyclif taught that all power comes from God. May it be taken away if it is systematically abused? Of course it may. If property may be taken away, sovereignty may also be taken away. In the State, as well as in the Church, the welfare of the body forms the supreme consideration, and it is quite true that we are but stewards of all that we think we possess. Has property duties as well as rights? Plainly John Wyclif teaches that it has, thereby anticipating the obiter dictum of Thomas Drummond in the nineteenth century. Characteristically, Wyclif extends his doctrines more sharply in the sphere of the Church than in the sphere of the State. Englishmen like John of Salisbury and William of Ockham had stated plainly the duties of the ruler, and the former had not shrunk from being the first in modern times to advocate tyrannicide. The theory of a world-wide monarchy attracts and repels Wyclif. It attracts him, for he has much in common with Dante, Marsiglio and Ockham. It repels him, for have not the emperors forfeited their claims by their folly in endowing the Pope and in allowing the clergy to usurp imperial rights? Such a policy is quite contrary to Christ's religion. The empire no longer "lives imperially as it ought to live." The rule of either Edward III or Richard II gave Wyclif room for legitimate comment on their conduct. Such comment is not forthcoming. He probably felt that there were limits to his proposals. If he weakened the authority of the State, could he carry out his ideas for the reform of the Church? The utmost he concedes is that in extreme cases passive resistance might be justified.

On the spiritual side Wyclif pursued to its logical conclusion the doctrine of the dominion of grace. "If there were no popes, no cardinals, no emperor prelates, holy Church would stand well by the order that Christ made." Excommunication used to be meted out to the sinner. Now it was meted out to the debtor who owed money. Was it not the utter degradation of what had been a fine



ideal? The pope sins grievously by living as a mere earthly prince. Nor are his priests in a whit better position, for do they not commit the grave offence of living on endowments? The donation conveyed to the Church by Constantine had proved its curse. The pope is neither truly lord of this property nor does he possess genuine rights. Like every one else, the pope is the vassal of God. His fief was purely spiritual, and was held on the condition of true and laudable service. Ought a bad pope to be obeyed? Certainly not. If a succession of popes abused their powers, ought the papacy to continue? Certainly not. In every direction the dominion of grace applies. The clergy, like the pope, were vassals whose retention of their spiritual fiefs entirely depended on their conduct. Nor was their authority anything like so extensive as they imagined. They did not, for instance, give God's grace; they simply declared it. But, indeed, the ramifications of the doctrine of the dominion of grace are as endless in the Church as they are in the State. His *Speculum Militantis Ecclesiae* and his notable *Triologus*, written in 1379, tend to the exaltation of the State at the expense of the Church. If his idea of the State is not unlike that of Machiavelli, it is also not unlike that of the Caroline divines. For Wyclif is a many-sided thinker. He commits spiritual power to the Church just as he commits coercive jurisdiction to the State. The head upon earth of the nation is the king, whose duty it is to see that every member of the body, whether clerk or layman, fulfils his function. As a spiritual being, however, every member of the body holds direct from God, the sovereign Lord, and must guide himself by the will of God expressed in Holy Scripture.

About 1380 Wyclif began to examine the large question of transubstantiation. Such questions as the authority of the pope, the validity of the ministry of unholy priests, the validity of ecclesiastical censures and absolutions if unjustly administered, the indulgences for which money was paid, the spuriousness of the decretals, and the like—all these were matters bearing on the externals of the Church. Up to now he had been following, more or less, in the path trodden by such men as Dante, Marsiglio and Ockham. In the discussion on transubstantiation he breaks new

ground. Transubstantiation was concerned with a vital matter in the life of the Church. A man might or might not believe in the forged decretals or the donation of Constantine. Was it an indifferent question if he did not believe in the Mass? The reply was that the Mass was the one thing that mattered. After mature deliberation Wyclif pronounced a categorical and peremptory denial of the doctrine of transubstantiation. The Fathers had asserted that there was a spiritual presence. With Wyclif this doctrine gained increasing hold till he came to think of the bread and wine ever more and more as the sign of the reality, not the reality itself. For a time he continued to say that "the bread and wine are transubstantiated into the body and blood of Christ." Then he comes to qualify this statement by explaining that he means it "in a figure," or "virtually, as a king is in the whole of his kingdom," or "as a man is created into a pope, while remaining the same man as he was before." Here he breaks entirely with contemporary opinion, and stands forth as the precursor of the Reformation.

The world has not quite finished with these writings of the fourteenth century. "My soul and God"—so John Henry Newman resolved religion into that one relation. "My soul, my brother's soul, and God"—so John Wyclif resolved religion into that one relation. For we have not yet exhausted the burden of his teaching on the duties—as well as the rights—of property. Do these rights stand in need of social justification? The least acquaintance with the writings of Wyclif proves that he realises quite fully that they do. If he was an individualist, he was that sane type of individualist that recognises that man does not live to himself alone. He is strongly imbued with the sense of the solidarity of all human interests. Am I my brother's keeper? Listen to his answer, as he tells us: "Talis enim est armonia existentium in gratia quod quilibet modus vel accio corporalis iuvat quemlibet, quantumcunque distiterit." Such is the teaching of *De Dominio Civili*, written before 1377 and such is assuredly the teaching of the *Triologus*, written in 1383. Hear the latter: "Titulo gratiae iustorum sunt omnia sed longe ab illo titulo civilis possessio."

The Black Death had destroyed the mediaeval world, and we are not altogether surprised to find that Wyclif breaks with a state of society that had been inwoven with the piety and the culture of centuries. Such a state of affairs had utterly passed away in 1348. The prophet of the new world, for good and for evil, is John Wyclif. For

God fulfils himself in many ways  
Lest one good custom should corrupt the world.

The good custom of the Church had been corrupted, and the conciliar movement bore emphatic testimony to the need of reform. The Council of Pisa (1409), the Council of Constance (1414-18), the Council of Pavia (1423), and the Council of Basle (1431-43) endeavoured to anticipate the day when reform—if unduly delayed—would turn to revolution. If Marsiglio developed the idea of representative government, he no less developed the idea of communal sovereignty that dominates such leaders of the conciliar party as Gerson, the Chancellor of Paris University, and Pierre d'Ailly, Cardinal Archbishop of Cambrai. In his *Concordantia Catholica*, Cardinal Nicolas of Cusa anticipates Valla's doubts of the authenticity of the donation of Constantine. Nicolas holds that the Church is greater than any single individual, or even than any one community like the local church of Rome. No doubt the gift of the Spirit was promised to the Church, but it was promised to the Church as a whole. That the Council is superior to the Pope is clear from our Lord's words and from the nature of things. Did He not say, "Where two or three are gathered together in my name, there am I in the midst of them"? From the nature of things, is it not evident that Christ is the true head of the Church? The Pope, then, is only His vicar, and does not possess His powers. By the law of nature any corporate body must have the means of defending itself, and this is especially true of the Church. Natural law binds the Pope, who cannot dispense with it.

The members of the different Councils were bishops, abbots, doctors and other literate persons, and ambassadors. Æneas Sylvius, in his later and more respectable years, describes the scorn with which he saw cooks and coachmen

sitting as members of the Council. The conciliar movement was the first to raise the problems of the State in their present form, *e.g.* consent is of the essence of law; all power is a trust; government is therefore limited in authority by its purposes; the need for representation limits the validity of absolutism; need is always a valid cause of change against historic prescription. The catastrophe of the Council of Constance lay in the fact that nascent national sentiment proved too strong for joint European action. No doubt Europe did not grasp the significance of this fact. The conciliar system stood for an inchoate federalism and the rights of national groups. The Pope stood for a centralising bureaucracy and absolutism in the Church. The Pope triumphed, and his triumph witnessed not merely absolutism in the Church, but it was one day to witness absolutism in the State. The nature of post-Renaissance Catholicism was determined at Basle. The question, however, was wider, and concerned the character not only of the ecclesiastical, but also of the civil State. Absolutism, which was to be the rule throughout Europe, with one outstanding exception, triumphed first of all in the Church. The conflict between the friends and the enemies of the conciliar movement was the same as that which—in France, Spain, Germany, and within an ace in England—eventually decided in favour of a strong monarchy, a ubiquitous administration, and the removal of all constitutional restraints on the activities of governments.

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## Chapter IV.

### MACHIAVELLI: "IL PRINCIPE" AND THE "DISCORSI."

WITH the pestilence of the Black Death of the fourteenth century the mediaeval world came to an end. The third Renaissance came to impart life to the world. Europe went through—and required to go through—three Renaissances, the first in the eighth century; the second in the twelfth; the third in the fourteenth and fifteenth centuries. The first reintroduced something of the old Roman education; the second reintroduced Aristotle and the learning of the Arabs; the third resuscitated the whole culture of the classical world. The first prepared the way for the second; the second for the third. The third originated that new birth of the human spirit which we emphatically call the Renaissance. Admiration for antiquity became its hall-mark. Art and literature threw off the forms of mediaevalism and looked for all their inspiration to the models of the ancient world. Platonic societies were formed in Italy, and Plato was found to be a theologian, a prophet. The New Learning tended in many quarters to place Plato on the pedestal formerly occupied by Aristotle. That is, the scholar substituted for the works of a thinker, with possibilities of progress foreshadowed, the works of one whose ideal lay in the past.

The whole history of the Renaissance forms a commentary on the wise and the unwise use of the classics. The wise used the antique knowledge in order to think for themselves, the unwise in order to have their thinking done for them. The Renaissance transferred interest from form to matter, nevertheless, in not a few cases form dominated the thought of men. Such men reflected the minds of others, with the inevitable result that they never really made classical ideas part and parcel of the mental furniture of their system of thought. The experience of the past dominated their own

experience. They accepted the truths of Plato and Cicero in the spirit in which a pupil accepts the thinking of a master. Their acceptance was purely mechanical, and instead of some of them becoming masters in their turn they remained in perpetual tutelage. Many of them were mediaeval in spirit with a veneer of classical learning. In them the Middle Ages persisted long after either 1348 or 1492. Men used to read the writings of John of Salisbury or St. Thomas Aquinas; the new fashion was to read those of Cicero or Plato, and the spirit in which they were read is the spirit in which the scholastic writings were perused. *Plus ça change, plus c'est la même chose.* The book is different; the reader is the same. One scholar is penetrated with the inner meaning of Plato: he is a rare type of the Renaissance. Another simply sees the words are beautiful words and remains content with the surface meaning: he is the common type. When the classics were so read they were among the most deadly enemies of progress, causing the death, not the rebirth, of thought.

The geographical discoveries of the age brought into prominence cycles of another kind, the cycle of incessant movement-growth, expansion, short-lived conquest, followed by shrinkage, defeat, expulsion or absorption by another set of migrants. The written history of mankind is to be read largely in the shiftings of peoples, now going forward, then thrusting back. Society was approaching a dynamic stage, though of course it is never static. The great service Copernicus (1473-1543) rendered to mankind was the conception of perpetual motion of this world. Motion there is in the worlds above, and incessant motion there is in the world beneath. Petrarch (1304-1374) is sometimes called the first modern man, and on the literary side a case may be made out for him. He was, however, as blind as Dante to the forces about him which made for political and scientific progress. What was fatal to the poem of Dante was the work of Copernicus. There was no longer any distinction between the heavens and the earth. True, the earth became a heavenly body, but for all time to come the substance of the heavenly was precisely that of the earthly. It was no longer possible to credit the belief



that the stars influenced the destiny of man, for their motions were governed by the same laws as that of the globe we inhabit. Man was once more a mote in the unfathomable universe. Four generations after Copernicus, Blaise Pascal (1623-1662) could say: "*Le silence éternel de ces espaces m'effraie.*" The first modern man was the astronomer, the first to cherish the scientific conception of progress.

In 1492 Columbus had pierced the veil which concealed another continent from the eyes of men, and at once the process of political transformation began. The centre of Europe had been all important, whereas now the circumference of the continent assumed this pride of place. As sixteen centuries before Corinth and Athens had yielded their position to Rome and Ostia, so now Venice and Genoa fell before the increasing sway of Cadiz and Lagos. It was the same in the north. The Atlantic immediately dominated the new situation, leaving the Baltic and the Mediterranean no more than inland lakes. Men had looked both ecclesiastically and commercially to the south, whereas now they were to look to the north and west. Westward ran the course of commerce from Lübeck and Stralsund to Amsterdam and Bristol. The day of such enclosed basins as the Baltic and the Red Sea was over; the day of such marginal ones as the North and China seas was to come. The historical importance of the Mediterranean and the Baltic was transitory, preparing the way for the Atlantic coast-line. The time taken in the task of preparation was enormous. From the day of the first journey of a Phoenician ship out through the Pillars of Hercules into the Atlantic to the voyage across it by a Genoese sailor, two thousand years elapsed. It was not, however, the Atlantic that really succeeded the Mediterranean; it was the broad world ocean. Significant as the Atlantic coast-line has been, its significance has been enhanced by the circumnavigation of Africa and South America, thereby binding the Atlantic with the World Ocean. The change has been from the Piræus to Ostia, from Venice to Genoa, from Lübeck to Hamburg, from the Cinque Ports to Liverpool, and from Glasgow to New York.

The direction of the expansion has, on the whole, been constantly westward, as Bishop Berkeley indicates in his famous poem. In the south it moved with the Phœnician Sea to the Ægean, then to the Mediterranean, ending with its western shores. In the north it moved from the Baltic to the North Sea, and thence across the south. It would seem as if every great epoch of history had its own distinctive sea. The Greek had the Ægean, the Roman the Mediterranean. The Middle Ages had the Baltic and the North Sea. The Reformation had the Atlantic, and the cosmopolitanism of our day revels in the world ocean. It is hard to the last degree to conceive that in 1492 European man had been over 498,500 years on the earth, and was for the most part unaware of the existence of any continent save his own. The lack of swift means of communication, the railway, the motor-car, the oil-ship, and the aeroplane, left Europe in the throes of birth-pains for a longer period than would now be absolutely necessary.

The fall of Constantinople in 1453 was felt only forty years afterwards in the then remote continent of North America, east and west thus beginning to realise the future intimacy of the union between them. It stirred the Portuguese navigators to a renewal of their efforts to reach India by way of the Cape of Good Hope. Every great movement, widening the geographical outlook of a people, at the same time widens their intellectual and economic outlook. The Crusades effected this important service for the Middle Ages, and the colonisation of America effected it for the seventeenth and succeeding centuries. It is, indeed, difficult not to speak of such an event as the discovery of America almost exclusively in terms of geography. Yet the moment people completely realised there was another continent where the eagle of the Holy Roman Emperor had never flown, that moment the whole structure of mediævalism was undermined. Columbus discovered a new world beyond, and Copernicus announced new worlds above. Scarcely any discovery of the nineteenth century, not even Darwin's, had such far-reaching effects as these two which made the Reformation inevitable. The geographical discoveries produced such widespread results that they

compelled men to listen to the astronomer; the crust of prejudice in their brain, the cake of custom in their life, was so rudely broken that the shock obliged them to receive new conceptions as well as old. What Darwin accomplished in the nineteenth century by the *Origin of Species*, what Newton accomplished in the eighteenth by his *Principia*, Columbus and Copernicus accomplished in the sixteenth. On the natural man matters immediate, like the work of Vasco da Gama and his fellow-geographers, exercise more influence than matters remote, like that of Regiomontanus and his fellow-astronomers. In the geographical discoveries the citizen of the Holy Roman Empire attended more promptly to those affecting the East Indies than to those affecting the West Indies. The day of the North Sea and the Atlantic was not as yet.

What the Mediterranean had been in the past the Atlantic was to be in the future. The Papacy had been a Mediterranean Power. The Crusades had been Mediterranean wars. Athens, Rome, Constantinople, Venice and Genoa had been notable centres in the Middle Sea. The shores of Western Spain, Portugal, England and Germany were not lapped by its blue waves. The estuaries of the Mersey, the Clyde, and the Lagan resounded to the solitary cry of the bittern and the ripple of the stray fishing boat.

After the year 1492 the leadership of Europe shifted decisively from the south to the west. As Hegel put it, the crossing of the Alps by Julius Caesar was an event of the same magnitude as the crossing of the Atlantic by Columbus. By both events new spheres were opened out for peoples ready to unfold capacities which were pressing for development. The shores of the Ægean and the Adriatic became what the Breton coast had long been. Cadiz, Lisbon, Cherbourg, Antwerp, Rotterdam, Hamburg, Plymouth and Bristol were the gates through which the busy traffic poured. The tie of Germany, from the tenth to the fifteenth century, had been with Italy, that is with the south. Henceforth the tie was severed. The tie was now with the north, and with this transfer the rise of Prussia became possible. The two great naval European powers in the World War unconsciously began their rivalry when the Atlantic assumed

the place of the Mediterranean. The cities of Germany soon became aware how closely their fortunes were to be bound up with the success of the Reformation. The boll that has sent forth many twigs and branches was once a twig itself.

There is only one breach in the continuity of political thought, and that occurs somewhere between the time of Aristotle and of Cicero. True as this statement is, we cannot help thinking that the conditions of the State were so fundamentally altered by the geographer and the scientist that it was possible towards the close of the fifteenth century to effect a genuine break with tradition. Into this new world was born Nicholas Machiavelli (1469–1527), destined to create writings whose malign influence still remains with us. In 1498 he became Secretary of the Ten in Florence, holding that position for fifteen years. At home he came into contact with remarkable men, noting how they transacted the business of the State. Abroad as envoy four times he proceeded on a mission to the King of France, once to the Emperor Maximilian I at Innsbrück, once to Julius II at Rome, and he was with Caesar Borgia, the Duke of Valentinois, in the ruthless campaign of 1502. In the world of diplomacy he came to agree with Cosimo de' Medici, who was of opinion that it was hard "to govern the world with paternosters." A Louis IX might require such aids, but he was of the view of Louis XI, who believed that he who knew not how to dissimulate did not know how to reign. Caesar Borgia, the son of Pope Alexander VI, commanded the hearty admiration of the young Secretary, who watched his career with unbounded interest. Out of nothing Caesar Borgia had created the State of Romagna, introducing a degree of law and order hitherto unknown in it. Resolutely and unscrupulously he had won Romagna, and resolutely and unscrupulously he held it against all comers. Without a trace of remorse he cut down the men who had stood in his way, allowing no private feeling to influence his public conduct. "I never venture," remarked Richelieu, "to undertake anything without having well considered it; but, when once I have formed a resolution, I advance straight to my end; I overthrow, I mow down

everything in my path, and then I cover all with my red robe." In precisely similar spirit Caesar Borgia acted, covering all with his *raison d'État*.

Consciously Machiavelli felt little interest in the scientific or the artistic revival which characterised his native land in his day. He is as unenthusiastic about the grand geographical discoveries of the age as his friend Guicciardini is enthusiastic. For the classics Machiavelli cared, reading all the Latin writings known to his contemporaries eagerly, and studying the philosophers and historians of Greece. His comedies are based on Plautus and Terence and his satires on Lucian and Apuleius. The Greek authors, *e.g.* Aristotle, he read in a Latin dress. History he carefully studied in such authors as Livy, Tacitus and Polybius. At all times and in all places he fell back on the teaching of Roman history, for his view of the reading of the past was quite as utilitarian as Pierre Du Bois's. The literature of the Renaissance left him wholly unmoved. True, he prizes the work of Dante highly, but he barely mentions such authors as Petrarch and Boccaccio. The *Decameron* indeed provides a startling illustration of the double standard of the Renaissance in the lives of average men and women, just as any biography of Machiavelli equally illustrates the standard he raised in private life and the widely different one he raised in public.

Boccaccio's first story opens with the devout sentiment that, as all actions should begin in the holy name of the Creator, so should this collection of tales. The volume ends more piously still. Boccaccio affirms his belief that through the "*pietosi prieghi*" of young and noble ladies, and not through any merits of his own, Divine grace aided him to complete his task, and he records his thankfulness to God and to them. The ladies and gentlemen who relate the stories and the personages in the stories constantly interlard obscenity with religion. The narrators are young unmarried men and women, persons of honour and conduct. They tell these tales to each other in a mixed company. Some of the worst and crudest are put in the mouths of the "*onestissime donne*," and the blushes and giggles with which they greet the more grossly indecent passages show that

they were heard in no spirit of naïve innocence. Yet these ladies and their companions are not merely "onesti"; they are religious after their fashion. They abstain on Fridays, though they do not care for fish, and, in honour of the Passion, they think it meet to devote the day "rather to prayer than to story-telling." We also note that the characters in the stories pray to God and the saints for success in their lawless loves, and thank them for the happy issue of such amours. The lady listeners approve, and echo the petitions on their own account.

No doubt the *Decameron* exaggerates the demoralisation due to the Black Death. It does not, however, give a wholly false impression. That is established by the attitude of Boccaccio himself, and by the attitude of numbers of men and women right down to the time of Benvenuto Cellini and afterwards. Raphael's life, when he was painting the "Disputa," affords a startling illustration of its truth. Intense and sublime religious feeling glows in that incomparable representation of the holiest of Christian mysteries. No other work of human hands seems more profoundly imbued with faith, with awe, and with worship. Yet the man who conceived it and who wrought this exalted vision of the things that are not seen, scribbled sonnets upon his studies for it, which show, that while he brooded over it, he was also giving his mind to a sensual and illicit passion. It has been said that the *Decameron* raises the standard of revolt against mediaeval asceticism, just as the *Principe* raises this standard against the intrusion of ethics into politics. Yes; but the rebels believed in asceticism, just as Machiavelli believed in morality in the individual. How did they reconcile the service of the world, the flesh, and the devil with the beliefs they professed? The idea that in most of them the profession was sheer hypocrisy will not commend itself to thinkers who know much of the southern temperament or of the human heart. We cannot pretend to offer a satisfactory explanation of the fact, but, in some way or other, they did contrive to think and live upon two different moral planes. The antinomy is not indeed peculiar to them. It is not peculiar to any nation or age. It still endures. Never has it been

presented with more penetrating clearness and force than in a searching letter of September 3, 1848, of Thackeray's to Robert Bell, published in *The Times* of July 17, 1911. In that astonishing piece of self-revelation one of the keenest observers of our more subtle self-deceptions states it with uncompromising directness, and tells how it weighed upon him as he framed the plot of "Vanity Fair." It is as old as St. Paul and Ovid, as old as Plato, as old as man's consciousness of sin. But the generations of the Italian Renaissance obtrude it upon us more insistently than others, and Boccaccio and Machiavelli most insistently of all.

In the Pantheon of the Florentine Secretary we note the deities of Rome as well as the Deity of the Church. For the passive aspect of Christianity implied in such virtues as gentleness and meekness he manifests no such appreciation as that which marks his outspoken admiration for such pagan virtues as courage and audacity, self-reliance and endurance, combined — when needful — with treachery, cunning and duplicity. No doubt there is another world, but this one completely contents Machiavelli. *Virtù*, in the Italian sense, is vastly more to the point than *virtù* in the ecclesiastical one. For the immortality of the Church he is willing to substitute the renown of the State. Of course there is a place for Christianity, but it is that assigned to it by a Louis XIV. For Machiavelli realises that no State can exist without the binding force of sacred and supernatural sanctions; and he is no less certainly convinced that vice and irreligion entail the inevitable ruin of the community. In spite of this, he mainly regards the Church as an aid to the strength of the State. Did not Roman polytheism produce the feeling of patriotism? Did it not therefore form the ideal of a statesman's religion? It was false in the eyes of the lover of truth just as it was idolatrous in the eyes of the lover of religion. Nevertheless, it ministered actively to the political welfare of the people. By it men devoted themselves to the service of their country as patriots and generals, as soldiers and statesmen. In his *Discorsi*, characteristically enough, he maintains stoutly that the real founder of the Roman might was Numa, not Romulus. Romulus gave laws: Numa provided the motive

to keep them. Romulus taught the arts of war: Numa taught the arts of peace. The most illustrious of all rulers have been men like Solon and Lycurgus, men who knew how to combine the sacredness of priestly functions with the material power of secular rule.

Wyclif might assail the speculative doctrines of Papal Christianity, and this left the Secretary unmoved. Wyclif might also assail the abuses, and the analysis of abuse left him moved to the innermost fibre of his being. With an observer like his friend Guicciardini, he convinced himself of the baneful effects of Romanism. The Church, he maintained, had ruined Italy, and grafted upon her people every kind of vice and turpitude. Instead of acting as a peace-making agent, she fostered the mutual jealousies of the various states, stirring up intestine war among them in order to take advantage of their divisions. As the pages of the *Decameron* prove, the guardians of virtue had become in not a few instances the purveyors of vice. Publicly, the priest proclaimed himself an ascetic; privately, he proclaimed himself a libertine. Does not Boccaccio tell the tale of the Jew who came to Rome and the awful sights he witnessed there turned him into a Christian? For this proselyte owned that if God was not behind the Church, his ministers must have brought it to utter ruin. The double standard in religion was obvious to all.

A Francis of Assisi, a Dominic raised the level of humanity. History and experience both warned the Florentine that humanity stood pretty low in the scale when we take into account how exceptional these two saints were. It is a law of mechanics that to every action there is an equal and opposite reaction. The example of Francis of Assisi raises his followers to a pinnacle beyond the reach of mankind; but the work of the novelist and the annalist agree in their evidence that the friars of the sixteenth century were as much below the level of good men as their predecessors were above it. Through the mouth of Pericles, Thucydides praises the Athenians for the exact qualities which, in the judgment of Demosthenes, they utterly lack. The energy of the Athenians of one century was as much above the normal level as that of their descendants of the next century



was below it. There are many swings of the pendulum backwards and forwards before the repose of the mean is reached.

In his survey of human nature Machiavelli did what Rabelais effected by his pen and Hogarth by his pencil. T. H. Huxley once described men as very queer animals, a mixture of horse-nervousness, ass-stubbornness and camel-malice—with an angel bobbing about unexpectedly like the apple in the posset, and when they can do exactly as they please, they are very hard to drive. With this description the Florentine would have been in perfect agreement—only for the angel he would have substituted someone with a Mephistophelean tinge. Just as thoroughly as John Calvin himself, he disbelieves in the inherent goodness or virtue of human beings. These he considers as a compound of weakness, folly and knavery, intended by nature to be the dupe of the cunning, the prey of the despotic. With Thomas Hobbes he undermines the sources of human freedom and independence, and delivers men over to the political power as helpless, almost imbecile, slaves. A world in which the inhabitants were either fools or knaves with despots placed over them, in which force and fraud form the cardinal virtues, in which there is no room for goodness and gentleness, love and patience, is a world where we must surely rejoice with Henry Sidgwick if a kindly comet swept it out of existence. Machiavelli's teaching was so far ahead of his generation that it failed to realise that a brand new force of sinister significance had entered the world. Men occasionally cavilled at some details in his writings. It took them over half a century to grasp the fact that a strange spirit was abroad, a spirit that contemptuously dismissed the usual motives of men as irrelevant, unworthy of the sober thought of the pure opportunist. What did Machiavelli care for the moral content of the State? To a man who knew the world of Italian diplomacy—Rome as well as Florence—such an aim was too absurd for serious discussion. Realpolitik was thoroughly alive.

Machiavelli knows so well what is that he despairs of what is to be, and one of the gravest indictments to be

framed against him is the pessimism, the unrelieved pessimism, of his outlook upon human affairs. To him Savonarola is no seer; he is merely a "weaponless prophet." There is, as we all know to our cost, the pessimism that is engendered by the experience of life, a pessimism that is marked in political circles. Oliver Cromwell and Napoleon, Frederick the Great and Bismarck all display a certain contempt for mankind. Did not Frederick the Great remark, "My dear, you little know what a cursed race men are"? Did not Walpole dismiss them when he said: "All these men have their price"?

With a deep distrust in the units composing the State, Machiavelli united an equally deep trust in the State itself. Its defence long engrossed his attention. He recognised the havoc the condottieri had wrought in Italy, and his diplomatic travels had led him to form a high opinion of the armies raised by such countries as Spain and France. Even Switzerland had succeeded, by means of free institutions, in forming the first infantry in the world. Why could not the Italians, the Florentines, succeed where so small a country had set the example? Had not the communes of the Middle Ages also achieved success in the art of civic defence? His travels forced him to conclude that Florence at least must have an army of her own. With it she would possess the strength she now lacked, the position that now was not hers to claim. To this task he devotes himself with so youthful an enthusiasm, so disinterested a zeal, that he arouses our esteem for him as a patriot. As son, or husband, or father, there is somewhat to praise and somewhat to blame, but his efforts for a national militia command unqualified admiration. As an envoy he had shown a public example of caring more for the interest of Florence than he cared for himself. This disinterestedness, however, is tolerably common during the corruption of the Italian Renaissance. Still, it is obviously an intensely public-spirited man who seeks to stimulate the Gonfaloniere to found the new Militia, and writes to Cardinal Soderini to assist in influencing his brother, and travels, like a sixteenth century Lord Roberts, to arouse his fellow-countrymen to a sense of their danger. He

distributes arms, he enrolls infantry, and he makes thousands of speeches.

Enthusiasm is always required, though Talleyrand feared *trop de zèle*. There must be knowledge ready to be applied to the problem in hand. This is exactly where Machiavelli failed. At a time when the art of war was simple, he might have learned much. He had often lived in camp, and he had had conversations with military commanders of the skill of Giacomini. The fatal matter was that he himself had never commanded a company, and no theoretical knowledge atones for the absence of experience. Edward Gibbon found the life of the captain of the Hampshire Grenadiers useful to the historian of the Roman Empire, and we may feel certain that a similar command would have rendered vast service to the patriotic Florentine. His book upon *L'Arte della guerra* is the work of a man who had watched soldiers fight, but had himself never fought. For instance, in it he manifests his supreme disbelief in the efficacy of fire-arms, which nevertheless destroyed the old and created the new system of tactics.

Like Bacon, who wrote shrewdly on human conduct, Machiavelli studied the welfare of the State to more purpose than his own. He belonged to the popular party, and when they fell in 1512, and the Medici came back, he lost his Secretaryship to the Ten. For the future his labours were exercised in the study, and accordingly he turns with renewed zest to the pleasures of authorship. What he could not effect through the agency of his personal acts he might achieve by his writings. During the year 1513 he undertook the two works, the *Principe* and the *Discorsi*, upon which his fame rests. In December he had the former completed, though it was not printed till 1532. He designed the latter as a commentary on the history of Livy, but he did not pursue this plan beyond the first decade. Important as these two books are separately, they are even more important when read together. Each curiously supplements the other. In Roman history their author examines the rise of the Republic, and in the *Prince* he examines the progress of the principality. Though his works are by no means so incoherent as Bodin's *République*, still the reader

will not find in them a theory of the State analysed at length. He will, however, find what interested Machiavelli far more, and that is a theory of the preservation of the State, or rather of the preservation of the Italian States.

The last of the idealists had gone, and the first of the realists had come in his stead. This is as plain in the *Discourses* as it is in the *Prince*. Writers like Guicciardini and Gianotti had asked such questions as, What is the form of government best adapted to Florence? What should be the attributes of the Gonfalonier, the Signory, and the Ten? How should they be elected? What should be the composition of the Senate and the Great Council? In a word, Guicciardini sought to take advantage of circumstances. Pragmatist as he is, Machiavelli also seeks to take advantage of circumstances, but he wants—if he can—to discover the causes and the cures of the diseases attacking the body politic. He is a pathologist as well as a doctor. At the back of his mind he is investigating from what causes nations rose and prospered or became corrupt and fell into decay, how they ought to be governed, and, above all, in what way a strong and durable State might be established. The general rule interests Machiavelli; the particular exception interests Guicciardini.

In 1513 Martin Luther was twenty-nine and Nicholas Machiavelli was forty-three, and the two men, without any communication between them, had elaborated the same theory of the lack of faith in human goodness. The former aimed at being the saviour of the Church just as the latter aimed at being the saviour of the State. As the German found original sin in theology, so the Florentine found original sin in politics. Both started from the conception that the individual man was naturally bad and powerless for good. Both saw the immediate need of reconstituting the moral and the political world, now threatened with ruin. Both sought success by means of recalling to life wider aims and wider interests. Nor was either unwilling, in the last resort, to disdain the use of force. The one method of saving social unity lay in the power of the prince. Machiavelli was a man of one idea, and that idea was essentially political. Living in the heyday of the great painters, he barely mentions

art or letters, culture or religion. His heroes are to be found in the Capitol of Rome, not in the studios of Florence or in the studies of Athens.

The *Discorsi* are every whit as much concerned with the foundation and the formation of the State as the *Principe*. The former is divided into three books, of which the first treats of the methods by which States are founded and of their internal organisation; the second of the methods of aggrandizing them and of conquests; while the third is devoted to the exposition of general reflections on the growth and decay of States, on the manner of effecting their transformation, on conspiracies, and the like. The *Discourses* are dedicated to Zanobi Buondelmonti and Cosimo Rucellai, intimate friends of their author. "I send you," he writes, "the worthiest gift I have to offer, inasmuch as it comprises all that I have learnt from long experience and continuous study of the things of the world." Aware of the novelty of his undertaking, he sets down his reasons for entering "on a path as yet untrodden by other men." What is this path? "In all things we seek to imitate the ancients. Our jurisconsults learn how to give advice by study of ancient laws, for in that consists jurisprudence, and medicine likewise is founded upon the experience of the ancients continued and enlarged by modern physicians. Yet in the ordering and maintaining of Republics, kingdoms and armies, in the art of aggrandizing empires and governing subjects, no one has recourse to the examples of antiquity. This comes of the lack of true knowledge of history, which all read for the simple pleasure of learning the various incidents it records, and instead of seeking to copy these, they believe all imitation impossible, just as though the sky, the sun, the elements and mankind were not always the same. Therefore these *Discourses* are written chiefly to show 'the use that may be derived from history in politics.' "

If the scientist has his laboratory, Machiavelli has his, and out of the crucible of the past he distils guidance for the present. That history repeats itself was to him a truism, for did he not believe in the cyclical theory of events? The Oriental doctrine of vast chronological cycles forms a fundamental tenet of the Stoic school and of Machiavelli.

Zeno held that what had happened once would happen again. When the period of unification ended Zeno forecast the beginning of another world-process which would follow the same course as its predecessor. And for ever there lay before men the prospect of this unvarying round. Aristotle maintained that all the arts and all the sciences have been found and lost an infinite number of times already. Stoicism, in some of its aspects, reflects the hopelessness and the world-weariness which see in modern progress only "an endless effort, and, if need be, by endless pain." The same sombre tendency is evident in the *Discorsi* of Machiavelli, who sees no evolution but rather a long series of cycles of death and revival, of endless mutations in constant progressions: tout lasse, tout passe, tout se refait.

In his commentary on Livy, he urges the difference between private and public morality that characterises the *Prince*. In the *Discorsi* he commends Romulus for having murdered his brother and permitted the murder of his chosen partner. Wise men, he holds, will forgive Romulus his worst actions on account of the end he had in view and the result he achieved. Clearly he anticipated the Jesuits in holding that the end justified the means, be they what they will. He praises Cleomenes for having seized the first opportunity of compassing the death of the Ephors. Still, religion is useful—in its own place. What is this place? On this the *Discorsi* leave us in no doubt. In Gibbonian fashion we learn that religion is to act as a moral policeman. "The Roman people," we read, "was greatly favoured by fortune in obtaining after a law-giving, warrior king like Romulus, a sovereign like Numa, founder of a religion, which is always necessary for the maintenance of civilisation, more especially among a people so ferocious as the Romans of that time. And to gain increased authority, he feigned to have intercourse with a nymph, a means to which Romulus was not constrained to have recourse, but which has been turned to account by other law-givers, and more especially by makers of creeds, the better to win the belief of the people. The religion of the Romans was one of the chief sources of their greatness, inasmuch as it caused the laws to be respected and morality preserved. The sagacious

politician will always respect religion, even if he have no belief in it, since there have been frequent proofs that through inculcating it even by craft, much valour has been roused for the defence of the country. . . . And the Romans, either in good faith or by calculation, always enforced respect for religion, and found their profit therein."

For the founder of the Christian religion, Machiavelli professes respect. He clearly thought, however, that accretions had changed and corrupted it out of all knowledge. Is it not true to hold that the peoples nearest to Rome are those with least faith in Christianity? Analysing the use made of religion by the Church of Rome and the nature of its morals, he deems the hour of her flagellation and destruction to be close at hand. The welfare of Italy is not bound up with the Church of Rome, and this is evident from two considerations. One is that the infamous example of the Papal Court has cost the devotion and the religion of the people. The second is that the Church has kept—and still keeps—Italy divided. Standing in the line of succession of the Imperialist writers, he urges the subordination of the Church to the State. For him there must be no *imperium in imperio*. In his supreme desire to secure the unity of the State, he feels that there must be no competing or completing authorities. He wishes to extirpate feudalism just as he would have wished to extirpate the estates of the Middle Ages had they continued to exist in their former strength. The temporal power of the Church existed, and to him it was nothing short of monstrous that this was so. No country, he passionately pleads, was ever kept united or happy, save under the complete sway of a Republic or a sovereign, as has been the case with France and Italy.

Virtue had gone out of mediaeval institutions after 1348. Few of them possessed power sufficient to come into competition with the idol of the Florentine, the State. The condottieri did, and in order to get rid of them he had attempted to create a national militia. The Papacy also did. With the utmost bitterness he sets down his opinion that "The Church alone has prevented this union of Italy; for having had her seat there and held the temporal power,

she has neither been strong enough to occupy it entirely, nor so weak as not to be able, when fearing the loss of the temporal power, to summon a new potentate to defend her against anyone threatening to seize it. Thus the Church has been the true cause, for which Italy has never been united under one head, but always divided among many lords and princes, wherefore the land has fallen into such feebleness that it has become the prey of the first who attacked it. For all this we Italians are indebted to the Church and to none else. And if any man should desire to see of what the Church may be capable, let him introduce her among the Swiss, the only nation still living after the fashion of the ancients, and he would see that in a brief space the iniquitous customs of that Court would create more disorder than any other event that could possibly occur."

There is no desire on the part of this stern critic of the Papacy to reform religion for religion's sake. On the contrary, we receive by no means an obscure hint that Christianity is other-worldly, and therefore does not warrant the same praise from the statesman as Paganism. Men of action form the glory of the latter—so we learn—just as men of meekness form the glory of the former. His ideal is not humility of soul, but strength of body. If the citizen is a saint of the Church he is but a sore saint of the State. The truth is that Machiavelli is well aware that the Christian cannot acquiesce in the separation of private and public morality. Guicciardini held that to avoid scandal there were matters only to be discussed in a whisper among friends. Instead of whispering secretly, Machiavelli wrote in his *Discorsi* openly: "Where it is an absolute question of the welfare of our country we must admit of no considerations of justice or injustice, of mercy or cruelty, of praise or ignominy; but putting all else aside, must adopt whatever course will save its existence and preserve its liberty." In fact, the citizen must so identify himself with the State that the only virtue that counts is his public virtue; everything else must yield imperiously to it. The Prince's soul may be lost, but the State must at that or at any other cost be saved. He is thus the embodiment of



Goethe's dictum that the man of action is essentially conscienceless.

The ex-Secretary resorts to his laboratory of history in order to confirm his thesis. History is to him but a "political pharmacy," as Mirabeau said. He brings before us the times of Titus, Nerva and Trajan, and he compares them with the reigns of the evil emperors. The judicious observer "will behold Rome in flames, the Capitol demolished by the hands of the citizens, the ancient temples in ruins, all ceremonies debased, cities full of adultery; he will behold the sea covered with exiles, the shores stained with blood. In Rome he will behold cruelties innumerable, and nobility, riches, honour, and, above all, virtue regarded as capital sins. And doubtless, if he be of human birth, he will shrink from any imitation of evil times, and will be inflamed by an immense desire to follow those which were good. And, truly, if a prince be in search of worldly glory he should desire to hold rule over a corrupt city, not entirely to despoil it like Caesar, but to re-organise it like Romulus." We are to admire Romulus, who murdered his brother Remus, and allowed the murder of his companion Titus Tatius Sabinus! "Good men" are all very well for the Church, so Machiavelli felt. For the weal of the State he recognised that they were not suited because, as Sir Robert Walpole put it, they will not "go the necessary lengths." The men of his time hesitated between the precepts of Christian morality and of political expediency. Sometimes they followed the one, sometimes the other. Such halting between two incompatible courses earned the hearty contempt of our author. Such half measures brought nothing but disaster. "The Romans avoided such measures, deeming them most pernicious; since government consists in nothing more than in restraining subjects in such wise that they may not harm you, and hence you should either benefit them so as to win their liking, or curb them so that it may be impossible for them to work you harm."

Combined with the philosophy of history of the *Discorsi* we have a manual for the guidance of the statesman. There is a looseness of thought in it that is absent from *Il Principe* which succinctly describes the remedies to be employed for

the preservation of the State. The pages of the past are deserted for the pages of the present. The figures we meet in the charming romance of Livy are replaced by Alexander Borgia and Caesar Borgia, Francesco Sforza and Ferdinand the Catholic. If history to Gibbon represented a catalogue of the crimes and the follies of mankind, to Machiavelli it represented a catalogue of the power of force and fraud. What was the history of the Visconti and the Sforza, of Ezzelino da Romano and the Aragonese? In every instance he perceived the working of the maxim that the end justified the means. What was the history of Sixtus IV, Innocent VIII, and Alexander VI? In every instance he also perceived—in the Church—the working of the maxim that the end justified the means. The new beatitude is, Blessed are the strong, for they shall prey on the weak, and in this beatitude he actively acquiesced. The more powerful and the more cunning the ruler, the greater the extent of his sway. The same was true in war. Perhaps thrice armed is he whose cause is just, but tenfold armed he is who gets his blow in first. On the battlefield truth, justice and humanity go down before force and strategy. Providence to him, as to Napoleon, was ever on the side of the strongest battalions.

The first idea of the *Il Principe* was inspired by the design of forming a new State in Parma and Modena for the benefit of Giuliano de' Medici. On the failure of this design, our author inevitably saw in Caesar Borgia the type of the successful prince who allowed nothing and no one to stand in his way. He was neither a great statesman nor a great soldier, yet he had created the principality of Romagna. Idealising his work, the patriotic Florentine discerned in him the founder of a new kingdom, of a new Italy. The place Louis XI occupied in the regard of Commynes, Caesar Borgia occupied in his. His Prince is a genuine picture of the successful ruler of the sixteenth century. Ruthless and unscrupulous cruelty, political tergiversation and duplicity on the grand scale—these were fundamental to the playing of the princely part. The treachery and the cunning of Caesar Borgia were of the essence of the profession of royalty. Nor is it too much to say that what

Caesar Borgia practised he had learnt from the example of his father, Alexander VI, who taught his son how indispensable lying and duplicity, cruelty and cupidity were to the attainment of success. In fact, his *Prince* provides a handy vade mecum for the unscrupulous and remorseless despot. If Hobbes believed in the maxim "Homo homini lupus," so, too, did our Florentine. The ruler can coerce or cajole his subjects just as he pleases, and he is a fool if he does not do so. The real god in Machiavelli's Pantheon is the God of Power, and before the shrine of this Deity he bends his knee with the most fervent adoration. "Might is right," so thought Machiavelli, though "right is might," an attitude also adopted by Spinoza. The ex-Secretary is at bottom an advocate of "the good old rule,"

the simple plan,  
That they should take who have the power,  
And they should keep who can."

As he had spoken of republics in the *Discorsi*, he now proceeds to discuss principalities, which he divides into two categories: the hereditary and the new. These he then subdivides into entirely new principalities, and those only new in part. In the former the prince founds an absolutely new State, or takes renewed possession of it. In the latter, called mixed principalities, he annexes a new province to an old State.

Caesar Borgia was the benevolent despot of his day who ruled Romagna with both wisdom and intelligence. With a view to the establishment of order and peace he sent there one Messer Ramiro d'Orco providing him with absolute powers, and right speedily did he bring the country to a condition of law and unity. "This done, his exceptional and excessive authority seemed no longer needful, and the cruelty with which Messer Ramiro had abused, and still continued to abuse it, rendered it dangerous. Wherefore the Duke suppressed that office and instituted in its place an ordinary court of justice, in which every city of Romagna had a judge of its own, under the presidency of a most excellent, wise and prudent man. And in order to persuade men that the severities inflicted had in no way proceeded from him, but solely from the wicked nature of his minister,

he caused the latter to be found one morning hacked in two pieces in the public square of Cesena, with a bloody knife beside him. This ferocious spectacle caused the population mingled satisfaction and amazement."

The Duke is not the only model held up for our admiration. We can also admire—and imitate—such precious princes as Agathocles and Oliverotto da Fermo. The latter was brought up by his uncle Giovanni Fogliani. "He dedicated himself to arms, and becoming a very skilful commander, determined to seize Fermo. He therefore wrote to his uncle that he wished to enter the city with a hundred knights in order to exhibit his splendour, and his uncle gave him an honourable reception, and lodged him in his own palace. Oliverotto, having arranged the plot with his confidants, invited his uncle and all the first men of Fermo to a banquet, and then had them all murdered at the same moment. After which he rode through the city that was now his own, and would later have become a very formidable man, had not the Duke of Valentinois caused him to be strangled."

Shall the prince be cruel or clement, loved or feared? The answer is: "In general terms, it is certainly far better to be considered merciful; nevertheless, mercy must not be badly employed. Caesar Borgia was esteemed a cruel man; nevertheless, that cruelty of his had set Romagna to rights, united it and brought it to a state of peace and good faith. And, in fact, he was more merciful than the Florentines, who, in order to avoid cruelty, allowed Pistoia to be destroyed by factions. It would be better, were it possible, to be loved and feared at the same time; but as that is not possible, it is better to be feared, when you have to choose the alternative. Love is maintained by a bond of obligation, which, owing to the wickedness of human nature, is always broken whenever it clashes with private interest; but fear is maintained by a dread of punishment that never abandons you. Men love at their own pleasure, but fear at the pleasure of the prince, who should therefore depend upon that which is his own, not upon that which is of others. Yet he may be feared without being hated, if he refrain from touching the property and womanhood of his subjects, and if he avoids bloodshed, excepting when

there is good cause and manifest justification for it; inasmuch as men more easily forget the loss of their father than of their property. Besides which, when you begin to live by other's property there is no end to it, whereas occasions for bloodshed may seldom arise."

No chapter of the *Prince* has inflicted such grievous injury upon international morality in general and upon the fame of Machiavelli in particular as the eighteenth. Is it, he asks in it, right to keep faith? Generally it is; "nevertheless, experience has proved in our own times that the princes who have achieved great deeds are those who have held good faith of small account, and have known how to bewilder men's brains by cunning, and in the end have succeeded better than those whose actions have been ruled by honour." Such a past-master in deceit was Ferdinand the Catholic. Obviously, "there are two modes of fighting, one by law, the other by force; the first is proper to man, the second to brute beasts; and as the first is not always efficacious, so it is frequently necessary to recur to the second. Therefore a prince should know how to play both the beast and the man, as, indeed, the ancients tried to signify by the fable of Achilles educated by Chiron the centaur. A prince, then, should know how to assume the beast nature of both the fox and the lion, for the lion cannot defend himself against snares, nor the fox against wolves. . . Those that merely play the lion do not understand the matter. Therefore a prudent lord neither could nor should observe faith, when such observance might be to his injury, and when the motives that caused him to promise it are at an end. Were all men good this precept would not be good; but since men are bad and would not keep faith with you, you are not bound to keep faith with them."

The teaching, the brutally candid teaching, of this slender volume in no wise shocked the contemporaries of its author. He merely had reduced to writing the principles and the practice of the potentate, be he pope or prince. Leo X, Clement VII, and Sixtus V, all alike read it with admiring approval, and the last made a summary of its maxims. A statesman of the calibre of Richelieu read it with so much approbation that he ordered Louis Machon, Archdeacon of

Toul, to write strongly in its defence. As Catherine de' Medici brought it to France, so Thomas Cromwell brought it to England. So much did it become the handbook of sovereigns that when Henry III and Henry IV were murdered, they had it on their persons. Charles V, his son, and his courtiers all read it in order to discover guidance on the conduct of diplomacy. Harrington considered Machiavelli as "the only politician of later ages," and Queen Christian found out by experience that "there are certain ills only to be cured by blood and iron." On the other hand, Bodin and Campanella assaulted its sentiments.

The career of Frederick the Great is not one out of keeping with the ideas of the *Prince*, yet he wrote in the days of his youth a *Réfutation du Prince de Machiavel*, which, as Voltaire wittily remarks, was just what Machiavelli himself would have counselled him to do, but if ever there was a Prince who practised Machiavellianism unabashed that Prince was Frederick the Great. On the other hand, Napoleon declared that "the acts of the statesman, which considered individually are so often blamed by the world, form an integral part of a great work, afterwards to be admired, and by which alone they are to be judged. Elevate your imagination, look farther before you, and you will see that the personages you deem violent, cruel, and what not, are only politicians knowing how to master their passions, and expert in calculating the effect of their actions. I have shed blood, and it was my duty; I may perhaps shed more, but without anger, and merely because blood-letting is one of the prescriptions of political surgery. I am the State, I am the Revolution." You can do everything with bayonets except sit upon them, so runs a French saying. So Napoleon found to his cost, and so Bismarck found to his cost. The "force and fraud" of Machiavelli find their counterpart in the "blood and iron" of Bismarck. The ordinary novel ends with the peal of wedding bells, but the experienced observer knows quite well that the piece is not played out when the clang of the ringers ceases. Bismarck fell from power in 1890, nearly twenty years after he had crowned his Emperor in the Hall of Mirrors, Versailles. The work of 1871 was undone in exactly the same Hall in

1919. Whatever else the World War may or may not have accomplished, it has at least taught mankind that craft and cunning do not spell the success in the long run that Machiavelli dreamed they did. "Die Weltgeschichte ist das Weltgericht."

Contemporaries saw that Machiavelli was unscrupulous enough, but they also saw that he aimed at one end—national greatness. To reach it every means seemed fair in his eyes, but when his policy gained it, it was not for himself. In other words, he paid the penalty in a life-long narrowness of vision. He gave up to party what was meant for mankind. Parties come and go, and he who makes Bibles of their fading script rarely sees far. Lord Acton records that Machiavelli is "the earliest conscious and articulate exponent of certain living forces in the present world. Religion, progressive enlightenment, the perpetual vigilance of public opinion, have not reduced his empire, or disproved the justice of his conception of mankind. He obtains a new lease of life from causes that are still prevailing, and from doctrines that are apparent in politics, philosophy and science. Without sparing censure, or employing for comparison the grosser symptoms of the age, we find him near our common level, and perceive that he is not a vanishing type, but a constant and contemporary influence. Where it is possible to praise, to defend, or to excuse, the burden of blame may yet be lightened by adjustment and distribution, and he is more rationally intelligible when illustrated by lights falling not only from the century he wrote in, but from our own, which has seen the course of its history twenty-five times diverted by actual or attempted crime." "Oh! *raison d'état*, what crimes have been committed in thy name!" we might say, just as Madame Roland said on her way to the scaffold, "Oh! liberty, what crimes have been committed in thy name!"

Machiavelli was clear-sighted, not far-sighted. He never, however, saw things as they might be; he saw them as they were—as less than they were—and hence, missing possibilities, he missed statesmanship. In truth, he committed the fundamental blunder of a low-strung mind; he mistook cunning for the craft of the statesman in the large sense of

the term. C. J. Fox reached a statesmanlike standpoint when he enunciated the axiom that "what is morally wrong can never be politically right," an axiom that eternally condemns the Florentine.

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## Chapter V.

### CALVIN AND HIS DISCIPLES.

THE machinations of Machiavelli no doubt commend themselves to men who simply wish for practical guidance, but can the mind of man rest content either with his political pragmatism or with his attempt to divorce politics from ethics? The human mind is so built that it will inquire, and neither in the individual nor in the State could political science flourish for any length of time without producing a corresponding theory. The Reformation drove men back in the eager pursuit of the recovery of the spirit of primitive Christianity with its special ideas on law and nature. No doubt the prince gave law which was largely local. Was there not something catholic in the Church? Was there not something catholic in the other aspect of the Church, the State? Was there not a general law? Was there not, in fact, the law of nature universally binding?

Be the power of the prince what it may, men instinctively felt that behind it there must be some sort of control, and this control they found in the law of nature. Herodotus (c. 484-425) quotes from Pindar the famous dictum, "Custom is the king of all mortals and immortals." Originally this meant that a thing may seem right to one people and wrong to another, but it came in time to mean the supremacy of law over everything. Some customs are essentially the same in most communities, however outwardly they may differ. Does not the universal prevalence of a custom indicate that it belongs to the mental and moral constitution common to mankind? Here we have nothing local, nothing temporary. Surely universal customs proceed from the principles uniting men as social beings, which nature, personified as a guiding power, is deemed to have evolved and prescribed. Hence they are called natural. Being the work of nature, obviously they are not only wider in area, but are also earlier in origin than any other rules or customs.

They are essentially anterior in thought as well as in date to the laws each community makes for itself, for they belong to the human race as a whole. It results therefore that they come to be deemed higher in moral authority than the laws which are peculiar to particular communities. These may be enacted to-day and repealed to-morrow, and have force only within certain local limits.

St. Paul conceives the great principle of natural law when he indicates that every man in his heart does know the law of God, which forbids man to sin, and commands him to do what is right. And such an idea has a long pedigree behind it. Heraclitus (c. 540-475) speaks of one divine law whence all human laws draw their nourishment. Socrates (c. 470-399) contrasts the laws of the city with the unwritten laws which in every country are respected as substantially the same. He adds the fact that these latter laws were laid down by the gods. When he informs us that their infraction carries with it its own penalty he seems to suggest a divine source for them. Plato and Aristotle perceive the difference between abstract justice and the customs prevalent all around them. The latter divides justice as it appears in the State into that which is natural and that which is legal or conventional, and the former possesses everywhere the same sanction. The Stagirite implies, by his use of the term nature, the conception of a rational design in the universe. Careful as he is to show this, he is no less careful to insist that this rational design is never perfectly realised.

The Stoics seized hold of the notions of natural law that were floating about, and turned them to their own purpose. They developed the Aristotelian idea of nature as the guiding principle immanent in the universe. They held that this principle is reason, the divine reason, and natural or common, or universal, law is simply its expression. We are close to the view of Sir John Fortescue (1395-1485) that "*jus naturale est quod apud omnes homines eandem habet potentiam.*" Reason guides man, ordering all his faculties so that they follow his true nature. In fact the formula "to live according to Nature" becomes the statement of what is at once his duty and his happiness.

The services of the Greeks to mankind are notable, and not the least of them is the doctrine of the Law of Nature, providing them with an excuse for the adaptation of any law of the present to the law of the past. Nor was this the sole method of approach. The relations of the Romans with strangers forced them to devise laws to suit folks who could not be permitted to share in their own laws. For the classical world conceived that there must be one law for the citizen and another for the alien. Clearly a way must be found out of the difficulty, and the way taken was to note the customs of Tuscans, Umbrians, Carthaginians, and the like. The Roman magistrates took those principles of justice and fair dealing, which they found recognised by the strangers as well as by themselves. These principles they proceeded to build into a legal procedure which they called the Law of Nations or of Mankind (*jus gentium*). This law was not valid as between nations, but was simply the common or general law. The principles of good faith and equity underlay this *jus gentium*, bringing it near to what the Greeks had called the "common law of mankind." Ideally law and custom were the *jus naturale*; practically, they were the *jus gentium*. The Law of Nature really belonged to the genus man, not to the species nation.

Cicero is well aware of the place of natural law. He holds that there is a law behind all the positive ordinances of human society, a law which is written in the hearts of all men, drawing them to good, forbidding them to do evil, a law which is itself the expression of the reason and nature of God himself, and that from this all the true laws of men are derived. He talks of it as a body of positive law resting on custom and agreement. The practice of the courts and the action of the courts were the means through which it came home to men. In fact, the Romans adopted the *jus gentium* in practice without theorising about it. The Greeks had formed a philosophic theory of the Law of Nature. The Romans, as rulers, felt themselves obliged to construct a working system. Still, the capacious intellect of Cicero felt the influence of the teaching of Heraclitus and Socrates, and such Stoics as Zeno (c. 362-264) and Chrysippus (c. 280-206). Was not moral duty deduced

from the Law of Nature? Was it not identified with this Law? Cicero lays considerable stress on nature as the source of the highest law and morality, invoking the doctrine in his speeches as well as expounding it in his treatises. With him the Law of Nature springs from God, is inborn in all men, is older than all the ages, is everywhere the same, and cannot be in any wise altered or repealed. It ought to prescribe the provisions of positive law more extensively than it does in actual fact, and to give that law a higher and more truly moral character. For it forms the basis of all morality. He comes near to the identification of the *jus gentium* with the *ius naturale*, but he does not quite identify them. *Jus gentium* is to him a part of positive law, wider in its range than *jus civile*. The Law of Nature stands serene above them all, eternal, unchangeable, needing no human authority to support it, in fact St. Paul's "law written in the hearts of men."

The extension of Roman dominion brought east and west into contact. Greek and Latin became world-languages. Eastern religions invade the west, and commerce brings all the Mediterranean peoples together. With all these influences at work it is easy to understand that the ancient legal institutions of the Quirites no longer stood where they used to stand. Men felt that the old mutually exclusive systems of law and citizenship were out of date. The Roman Empire enabled men to rise to the idea of a community of all mankind. For this all-embracing commonwealth, this *societas omnium hominum*, of which the Greek philosophers and Cicero had dreamed, there would seem to be needed some common law. *Quid, asks Cicero, est civitas nisi juris societas?* The day of the *jus gentium* had at last arrived. It was the common law of mankind.

Gaius holds, in his *Institutes*, that the *jus gentium* is universal, embodying principles which are recognised by all mankind, and he also holds that *naturalis ratio* teaches men these principles. The *jus gentium* is coeval with the human race, containing those principles which from the very first beginnings of human life were taught to mankind by their natural reason. Gaius holds that the *jus gentium* is primitive and universal, rational and equitable. The

*jus gentium* and the *jus naturale* are to him identical. No doubt Cicero conceives it as part of the eternal law of God while the practical Gaius conceives it as law in relation to the world. Both Stoics look on law as something which they learn, not as something which they create.

In the middle of the second century Gaius perceives no opposition between the *jus naturale* and the *jus gentium*, but by the end of that century Ulpian perceives some. According to him by the *jus naturale* all men are born free; slavery comes in by the *jus gentium*. He has in his mind some primeval condition antedating this conventional institution. The Fathers hold a similar notion in their view that natural law represents a body of principles more or less ideal and adapted to the innocence of the Garden of Eden, but not therefore related to the actual imperfect conditions of their day. To them natural law is a body of principles apprehended by the human reason as governing life and conduct, principles which are invariably recognised as just and good. All the Fathers maintain that in their original nature men were free and equal. If Ulpian holds "*Quod ad jus naturale attinet, omnes homines aequales sunt*," Gregory the Great (c. 540-604) also holds, "*Omnes namque natura aequales sumus*." St. Augustine lays it down that God did not make rational man to lord it over his rational fellows, but only to be master of the irrational creatures, and that no one in that nature in which God first made man is the slave either of man or of sin. In the original order of things men would have been free and equal. St. Isidore of Seville (c. 560-636) points out that under the natural law there is "*omnium una libertas*."

What the Golden Age in the past meant to the Greeks, the Garden of Eden meant to the Fathers. With the Fall the whole scene fundamentally changed. For man passed out of the state of nature into the state in which the institutions of society have to be created. If men were the slaves of sin, it is little wonder that ordinary slavery was more than tolerated. There were in the heart of man evil tendencies, and these tendencies of human nature must be corrected. There must be discipline. Slavery, then, is simply a consequence of the entry of sin into the world,

and it is also a disciplinary system by which the sinful tendencies of man are to be corrected. St. Augustine, from this standpoint, teaches not that it is improper that the righteous slaves should serve the wicked, but rather that slaves should follow the example of Christ in rendering service. He repudiates the notion that the precedent of the liberation of the Hebrew slaves in every seventh year might be applied to the case of the Christian slave; the apostle, according to him, had admonished slaves to obey their masters, lest Christian slaves should demand such manumission. Just as slavery is useful under the actual conditions of human nature, so is government. Coercive government is necessary, not for the good life, but it is necessary because of sin, and is in fact the divinely appointed remedy for sin.

Celsus (*fl.* 180) had urged against Christianity the Greek conception that "Law is king of all things." Origen (*c.* 185-253) for once finds himself in agreement with his opponent. The Christians, he says, have come to the knowledge of this law which is by nature king of all things, for it is the same as the law of God, and they endeavour to live in accordance with it. That is, the law of nature and the law of God are identical. 'At the beginning of the seventh century St. Isidore takes up a similar position. To him the *jus naturale* is common to all nations, and men follow it "*instinctu naturae non constitutione aliqua*." He contrasts the *jus naturale* not with reason but with "*constitutio aliqua*," for he regards the law of nature as a body of principles to be rationally apprehended. As his definitions were embodied in the twelfth century in Gratian's *Decretum*, so passing into the structure of Canon Law, their importance is at once apparent. At the very head of the *Decretum* we read that the Law of Nature is nothing else than the golden rule, comprised in the Law and in the Gospel, which bids us do as we would be done by, and forbids the contrary.

The jurists take the same view of the binding obligation of natural law as the Fathers. They assert with due emphasis that the *jus naturale* is immutable, and not to be overridden by any other system of law. Is it not a graver

fault to be in error as to Natural than as to Civil Law? No one can be allowed to plead ignorance of it. Natural law, then, is not on the same level as other laws, but stands supreme, not normally to be superseded by other laws, not to be abrogated except in certain rare cases.

In dividing all law into natural and customary, Gratian (-c. 1150) identifies the *jus naturale* with the *jus divinum*. Its characteristic expression is found, according to him, in the great phrase of the Gospel, "Do unto others what thou wouldest wish others to do unto thee." With the civilians, he maintains that natural law is above all other law—it is primitive and unchangeable, and all customs and laws contrary to the *jus naturale* are void. Gratian urges the agreement of natural law and the Scriptures, concluding that natural law is supreme just as the divine will and the Scriptures are supreme. If any constitution, ecclesiastical or secular, is contrary to the *jus naturale*, it is to be rejected. Ignorance of the civil law may be condoned, but ignorance of the natural law is always to be condemned in those of mature years. Finally, no dispensation from the natural law can be accepted, except in the case when a man is compelled to choose the lesser of two evils, as, for instance, if a man has sworn to kill his own brother.

William of Ockham takes natural law in three senses: (1) The universal rules of conduct dictated by natural reason; (2) rules which would be accepted as reasonable, and therefore binding, in a society governed by natural equity without any positive law or custom of human ordinance; (3) rules which may be justified by deduction or analogy from the general precepts of the Law of Nature, but, not being fundamentals, are liable to modification by positive authority. In later books we meet with the "secondary Law of Nature"; it covers the second and third, generally the third, of William of Ockham's heads, and it is on this aspect of it that writers since Rousseau generally lay stress.

The scholastic philosophers start from the position that the Law of Nature is the work of God. St. Thomas Aquinas sets himself many tasks, and among them is that of showing the relationship of natural law to divine. He introduces a



useful distinction which made itself felt in mediaeval thought. The Eternal Law which governs all things is the expression of the Reason of God, the supreme Lawgiver. That part of it which is not revealed, but is made known to man through his own reason, may fitly be called Natural Law, "*participatio legis aeternae in rationali creatura*," for it is the outcome of human reason, itself created and directed by the Divine Reason. This sharing in the Eternal Law by a rational creature is Natural Law. Continuing this conception Suarez holds that the Law of Nature is in God the Eternal Law, and in men is the light which carries this eternal law into their souls, being applied by conscience.

It is easy to appeal to a definite law; it is far from easy to appeal to a law of nature. This will account for the circumstance that we do not find much mention of it in official documents. Nor is this a matter of surprise. Still, we do find that when Philip the Fair of France proposed to liberate the serfs in 1311, he assigns as his reason: "*Comme créature humaine qui est formée à l'Image Nostre Seigneur doit généralement estre franche par droit naturel et en aucuns pays de cette naturelle liberté ou franchise par le jou de servitude qui tant est haineuse soit si effaciée et obscure . . . nous meus de pitié pour le remède et salut de nostre ame et pour consideration de humanité et de commun profit.*" Occasionally a jurist specifies matters in which natural law limits the legislator's power. For instance, Baldus (1327-1406) holds that through the working of this law neither Emperor nor Pope could validly authorise the taking of usury.

The Mediaeval Church found little necessity to invoke the authority of natural law, for the Bible supplied it with all the indications of the Divine will required to bestow a moral character on any law. In the background there are, however, the view of St. Paul, who recognised a law written by God on men's hearts, and the view of St. Augustine, who speaks of the Eternal Law which governs the *Civitas Dei*. Nature is, to the Christian, God, and accordingly St. Chrysostom (c. 347-407) says: "When I speak of Nature I mean God, for it is He who has made the world." The idea receives its full expression in Dante's identification of

the Divine love with the force that pervades the universe—

*L'Amor che muove il sol e le altre stelle.*

The Law of Nature exists. It reminds men of the supremacy of the eternal principles of morality, of the duty of princes to obey those principles, and of the right of the citizens to defend them. A Machiavelli may speak of the power of the prince to rule as he pleases. There is, however, another voice to be heard. For natural law proclaims the responsibility to God of all rulers, whether spiritual or temporal, and it proclaims the indestructible rights of the individual who lives under it. Behind it there is the Divine justice, the ultimate source of all laws. As this is so, it clearly imposes limits on the validity of the positive laws enacted, and it no less imposes restraint upon the force which these positive laws are able to command.

The Decretum of Gratian upheld the fundamentals of Christian morality against all earthly powers. "He builded better than he knew," so runs the old saw. The Decretum put into the hands of the Church a formidable weapon by which she could maintain that she stood supreme over the Empire. The saw may be amended. "He builded OTHER than he knew." Dante may say, "Manifestum est quod Deus finem naturae vult." William of Ockham may also say, "Omne autem jus naturale est a Deo qui est conditor naturae." Was it easy to discover natural law by human reason? Was it certain, when discovered, to agree with the decision of any particular authority? Is the Church the ultimate interpreter? If there are divisions in the Church, is a General Council to be this interpreter? In fact, as a weapon of ecclesiastical defence, the Law of Nature inevitably proved double-edged. No one, it is true, could traverse its authority. On the other hand, every one could, it is no less true, deny its application to the question at issue or could deny that it applied quite in the fashion alleged. Papalists employed this weapon, and then, to their horror, Imperialists also employed it. Bishops, for instance, were *de esse* of the Church. The Papalist contended that naturally and normally such an appointment lay vested in the Pope. On the other hand, no less confidently William

of Ockham maintains that the people of Rome have probably a divine, certainly a natural, right to elect their own bishop. He appeals with strong trust in natural reason to show that a heretical pope or an incorrigibly evil pope may lawfully be deposed.

In the conflict between the Empire and the Papacy, the Law of Nature was much *en évidence*. Of course it bound both the chief disputants, the Pope and the Holy Roman Emperor. That was admitted on all hands. In case of doubt and difficulty, who was the more authoritative interpreter? On the one hand, the champions of the Vatican urged that the official head of the Church was the ideal exponent of natural law, and this view was taken in an age when the infallibility was a barely plausible opinion. On the other hand, the Imperialists maintained that it was safer in cases of doubt to adhere to the view of the Emperor. The amazing matter is to note how often the Imperialists anticipated the chief argument of Jeremy Bentham, for they appealed to *communis utilitas*, the mediaeval equivalent of the greatest happiness of the greatest number. William of Ockham pretty plainly tells us that utility is the test of right conduct because God wills the happiness of his creatures.

If the Middle Ages had its share of disputes as to the real meaning of natural law, the sixteenth century had rather more than its share. The moment the Reformation becomes a burning question, the appeals to this law continue to be constant. And the cause of this is obvious. The day a considerable proportion of the people turned to reforming doctrine and their prince ceased to turn with them, the general question of the authority of the monarch was at once raised. The Middle Ages provide the conception of contract, a conception of course entirely in keeping with feudalism, at the time of the quarrel of the Investitures. Engelbert von Volkersdorf seems to have spoken of the *pactum subjectionis* for the first time during this quarrel. Nor was his idea by any means novel. The imperial authority rested, in the last resort, on the choice of the people. At the coronation of Charlemagne (c. 742-814) we hear of the *consensus populi*, and the authorities of the thirteenth

century also take this view. Nicolas of Cusa (1401–64) says, "*Populus Romanus habet potestatem elegendi imperatorem per ipsum jus divinum et naturale.*" Thus we have the pactum subjectionis, resting on popular submission, on the consent of the people.

Extremes meet. The Reformers employ the argument of natural right when the religion of the prince differs from that of his people. The Jesuits and the Dominicans also employ it in precisely the same circumstances. If a Huguenot objects to the rule of a Charles IX, or if a Lutheran objects to the rule of a Rudolf II, for the same reason a papalist objects to the rule of an Elizabeth or a Henry IV. The most impassioned supporters of natural right are the Jesuits and the Dominicans. In the relations of the Church and State they are the heirs of the thoughts of the great theocrat Gregory VII. On what do they lean? They lean on the conception of natural right, a conception of the State that is largely philosophical, largely lay. Their theories agree that the civil commonalty rests on natural right. They hold that in virtue of natural right sovereignty belongs to the commonalty, and that the right of sovereignty precedes the commonalty, authorised and, indeed, compelled by natural right to delegate it. A Jesuit like Suarez (–1593) can point out that all power comes from God, which with him means that God is the author of nature, whence all power comes. Authority emanates from the political and mystical body, formed freely by individuals according to natural reason and the will of God. Sovereignty, however, is not the product of the will of each individual—before the commonalty he does not possess it—and the individual cannot prevent the commonalty, once formed, from being sovereign. Sovereignty does not come any more as a gift of God, analogous to him whom He makes pope. Sovereignty comes as the outcome of natural reason, and God grants it as a property flowing from nature by means of natural reason. All in fact comes from the nature of things, not from the mere will of man. Like Grotius later, Suarez allows the commonalty freedom to change or to alienate their sovereignty. Nor is his teaching in the least degree unique.

Mariana (1536–1624) and Molina (1535–1600), as well as Bellarmine (1542–1641), agree with the teaching of Suarez. They are unanimous in holding that sovereignty belongs to the commonalty. Suarez speaks for them all when he points out, “A Deo tanquam naturalis juris auctore. Deus, per legem naturalem. Jure naturali, ergo a Deo.” The pact between potentate and people forms the basis of civil society. Hence “the people,” as Mariana shows, “can force the king to obey the laws which they have decreed. They possess the right of overturning the crown, disobeying the king and punishing him with death, if it is necessary.” Suarez maintains that a tyrant or usurper, whatever his conduct may be, can be killed by the first citizen if there is no other means of curtailing his power.

Book III of Mariana’s *De rege et de regis institutione*, published in 1599, imitates closely the notorious Chapter XVIII of Machiavelli’s *Prince*. Hope and fear, craft and cunning are every whit as powerful with him as they are with the Florentine. He, like Suarez, defends tyrannicide on the grounds of the sovereignty of the people and of the natural sense of mankind. The Jesuits take up the ideas of Gregory VII and drive them to extremes. It is not enough to possess the power of deposition; they must have the power of assassination. The Jesuit Bonsarsans excited men to murder Henry IV. Another member of the Society of Jesus, Rossaetus or Raynold, defined the tyrant to be killed. He is nothing but a heretic. Who is a heretic? He is “every king who mixes himself with ecclesiastical questions, who does not chase from the Church the heretics condemned by bishops, who does not prevent the meetings of heretics.” The Jesuits and the Dominicans certainly continue the Gregorian tradition with the not unexpected result that they affirm the purely natural foundation of the State. Their design, however, is to humiliate the State and to exalt the Church. Their end is to justify their means. That their teaching on the subject of the assassination of the tyrant was not without fruit, let the examples of Clément the Dominican and Ravailac, of Louvel and Cadoudal, and of the Gunpowder Plot attest.

Reformers and Jesuits alike lay the utmost stress on

natural right. For Martin Luther (1483–1546) the Decalogue is “written in our heart, although it is given more clearly by Moses.” He is well aware of the existence of the Law of Nature, for “men commence to boast of natural right, natural reason, as the origin and source of all written laws; and it is true, and the praise is just.” Its origin he finds not in the Canon Law, the Roman Law, or the written law, but in reason. “What is done,” in his opinion, “through the strength of nature goes on alone and without law, and even through law.” Melanchthon (1497–1560) is more precise than the great German, for he tells us that three laws of nature are to honour God, to hurt no one as we have been born into a certain society of life, and to serve in common matters, which means, in his judgment, that all be divided into a manner to assure peace through contract. Zwingli (1484–1531) leans on Cicero and Seneca, on St. Augustine and St. Thomas Aquinas, reproducing them several times textually. He emphasises the religious character of natural right. He thinks that the rights of nations and the civil rights are valuable in proportion as they accord with the law of nature. For the *lex naturae* comes from God. It is what God has “written in our hearts the law we call natural.” In fact, “it would be better to call this law the gospel rather than the law.” At bottom, “the law of nature is none other than true religion.”

John Calvin (1509–64) left many volumes, and it is in no wise difficult to gather his opinions in his commentaries and in his sermons as well as in his *Institutes of the Christian Religion*, published in 1536. He believes that there is an order of nature. The right of nature is what conforms to the order of nature, and the two words, right and order, are synonymous. This order of nature gives birth to the right of nature. The word order has two senses, what is commanded and what is organised. The world is the product of the command of God, of His will, of the organisation by God, and of His wisdom. Such is the *ordo naturae*. The transition to the following view is obvious: “The moral law is no other thing than the witness of the natural law and of the conscience we have of it, which has

been graven by God in the souls of men." He recalls Aristotelian teaching when he tells us that "man is by nature a social animal and by natural instinct he is also led to favour and preserve this society." In his writings he sets forth a juridical system of natural right. He affirms the existence of an order and of a right of nature; and on this order and in this right he builds a stately edifice of legal and moral relations between men. There is natural right because there is natural order, and there is natural order because God is the author of it, the author of nature and the guarantor of it. Calvin lays stress on God as the guarantor, because if there is no guarantee, there is no longer any natural right; it is destroyed. God, however, does guarantee it, and there is natural right. This right lays the most solid foundation for the existence of the natural duty of mankind. In effect, in Calvin's opinion duty and right form always one medal, of which they are the face and the obverse. As soon as there is a duty there is a right.

God can change the face of nature: man cannot. The law of nature is perpetual, inviolable, and indestructible. The Decalogue is simply an epitome of natural law. In fact, the idea of fixing sacred and inalienable rights is in origin not political, but religious. For Calvin there is—there can be—no real opposition between the natural law and the revealed law, nor is there any opposition between natural religion and revealed religion; nor is there any opposition between general grace and particular grace. Natural law is for Calvin not only an aspect of general grace; it is general grace itself. For him we may sum up the meaning of the law of nature in a threefold proposition: (1) There are natural rights, imprescriptible and inalienable. These rights are the right to law, the right to liberty, and the right to freedom of religion; (2) These rights are recognised by a pact, a contract. The party violating the promises of the pact breaks it, and *ipso facto* releases the other party from all obligations; (3) There is the right of resistance when anyone violates the natural rights guaranteed by the pactum subjectionis.

With John Calvin the doctrine of the sovereignty of God

and the fall of man are fundamental in his consideration of the theory of the State. With St. Paul he realises that the potter has irresistible power over the clay. God has completely planned the career of man, and man's activities are predestined. Nor does the belief in predestination lead to inaction. If Descartes would say, *Cogito, ergo sum*, Calvin could say, *Ago, ergo sum*. God was incessantly pursuing his plan on behalf of man, and in turn man must be incessantly preoccupied in executing this plan. Just as the Fathers found the origin of the State in the Garden of Eden, so did Calvin. The entry of sin into the world set the need for government. "Justice is the remedy for this corruption that dwells in man." "Until we are like the angels of paradise, we have need of some order and check, which keeps us in our place." Calvin lays such emphasis on Christ's Headship of the Church that there is no room in her either for the authority of the Pope or the Prince. Luther and Melancthon assigned to the latter an important place in the Reformed Church, whereas Calvin does nothing of the kind. Nor is this the only difference between the Lutheran and the Calvinist Churches. There is the Discipline in Geneva such as never obtained in Wittenberg. The Discipline inflicted severe penalties on drunkenness and debauchery. Adulterers were put to death, and prostitutes were thrown into the Rhone.

If order is Heaven's first law, it is also Geneva's first law. God designs that there should be "some sensible sovereign among his people." What "nature teaches," "what has been followed by nature in all the world and approved by the mouth of God . . . when we see what God has thrown out of order so as to show us political order, we must come to the conclusion that he approves of it." Indeed, "Our Lord takes so much interest in earthly policy that he means it to be maintained and to see justice in the life of man. . Human blood is precious for him, for men are formed in his image; but he does not spare so much a man who has turned against civil order, that he is stoned and dies."

God created the Christian Church, and He no less created the Christian State. They are two creations of the same



Author. These two creations can be autonomous and independent without ceasing to possess a concurrent common activity. The powers of Church and State are distinct; they are not different. They are not separate, for they are by their nature conjoined. The State, for instance, is as much concerned with our duty towards God as with our duty towards our neighbour. At the same time Calvin points out that "The Church has no sword to punish malefactors, and no commandment to constrain them, no prisons, no fines, no other punishments which the magistrates customarily employ." These magistrates exercise no authority in the Church, just as the ministers exercise no authority in the State. We learn that "there is no doubt that Jesus Christ meant to exclude ministers of the Word from earthly Lordship over people when he said, 'Kings rule over people, but it is not so with you.'" Still, the work of public servants is not in the least secular. In his judgment princes and magistrates are "lieutenants of God," and all their authority is "jurisdiction as delegated by God."

Calvin advocated obedience to the powers that be. Were they not ordained of God? Nor did the persecution of the Huguenots on the part of Francis I at first turn him from this attitude. Coligny (1518-72) endeavoured to persuade him to countenance resistance. Calvin would not do so, for in a letter of April 16, 1561, he sensibly showed that "if he shed a single drop of blood, rivers of it would spread over the whole of Europe." Reluctantly he grants that if "princes of the blood" resist, and if "the Courts of Parlement join in their resistance," all "good subjects" could then "lend them a hand." A single prince of the blood who is not "the first in degree" will not suffice to legitimise the revolt. No one versed in the history of the France of the sixteenth century is unaware of the fervent loyalty, despite massacre after massacre, of the Huguenot to the King. "Among all those," acknowledges L'Hôpital after 1572, "who have gone over to Protestantism, there is not one who wishes to unsettle the supremacy of the king; for this is manifestly against the principles of their religion." Monarchical, not democratic, are the Huguenot thinkers in their outlook.

The general conception of the Law of Nature and the particular conception of the contract theory imposed pretty serious limitations on the power of the sovereign. The implications of these are plainly set down in the last paragraph of the *Institutes*. There all may read: "But in that obedience which we hold to be due to the commands of rulers, we must always make the exception, nay, must be particularly careful that it is not incompatible with obedience to Him to whose will the wishes of all kings should be subject, to whose decrees their commands must yield, to whose majesty their sceptres must bow. And, indeed, how preposterous were it, in pleasing men, to incur the offence of Him for whose sake you obey men! The Lord, therefore, is King of Kings. When he opens his sacred mouth, he alone is to be heard, instead of all and above all. We are subject to the men who rule over us, but subject only in the Lord. If they command anything against Him, let us not pay the least regard to it, nor be moved by all the dignity which they possess as magistrates—a dignity to which no injury is done when it is subordinated to the special and truly supreme power of God." Then we hear of an elect man like Daniel who refused to obey the impious decree of the king because the king had exceeded his limits, and we hear of a multitude of men like the Israelites who committed sin when they obeyed the decree of Jereboam to worship the golden calf. With a full sense of his responsibility Calvin closes his *Institutes* with these weighty words: "I know the imminent peril to which subjects expose themselves by this firmness, kings being most indignant when they are contemned. As Solomon says, 'The wrath of a king is as messengers of death' (Prov. xvi. 14). But since Peter, one of heaven's heralds, has published this edict, 'We ought to obey God rather than men' (Acts v. 29), let us console ourselves with the thought, that we are redeeming the obedience which the Lord requires, when we endure anything rather than turn aside from piety. And that our courage may not fail, Paul stimulates us by the additional consideration (1 Cor. vii. 23), that we were redeemed by Christ at the great price which our redemption cost him, in order that we might not yield

a slavish obedience to the depraved wishes of men, far less do homage to impiety."

These are not the only passages in the *Institutes* in which Calvin indicates the restrictions to be imposed on the sovereign if his commands conflict with those of God. He is anxious, however, as becomes his orderly mind, to leave nothing in the hands of the individual, and he writes: "Although the Lord takes vengeance on unbridled domination, let us not therefore suppose that vengeance is committed to us, to whom no command has been given but to obey and suffer. I speak only of private men. For when popular magistrates have been appointed to curb the tyranny of kings (as the Ephori, who were opposed to kings among the Spartans, or Tribunes of the people to consuls among the Romans, or Demarchs to the senate among the Athenians; and, perhaps, there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets). So far am I from forbidding these officially to check the licence of kings, that if they connive at kings when they tyrannise and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians."

The Pope of Geneva penned these words, and they influenced his followers all over the world. If Luther was the Bismarck of the Reformation, Calvin was no less certainly its Napoleon. Luther supplied the Titanic force embodied in the doctrine of justification by faith, and Calvin supplied the Discipline embodied in his *Institutes of the Christian Religion*. He is one of the very few writers whose achievements really justify the saying that the pen is mightier than the sword. His books are forces rather than masterpieces. The writings of his three great disciples Beza, Hotman, and Duplessis-Mornay in France; the writings of Marnix Ste Aldegonde and the utterances of William the Silent in the Netherlands; the writings of Pareus and Zanchius, of Alstedius and Althusius in Germany; the writings of John Knox and George Buchanan in Scotland;

the writings of Peter Martyr and Christopher Goodman, of John Ponet and Thomas Cartwright in England; and the writings of Bradford and Cotton, of Hooker and Williams in New England—they all attest the widespread authority of the Frenchman of genius. The pamphlets of some of these authors are so important that they call for more than a passing mention.

Calvin's three French disciples belonged to the party of the Politiques, the men who liked toleration and disliked violence, who cared so much for la patrie that they set it above mere theological points of difference. St. Bartholomew's Day, 1572, sets its mark on all contemporary thought, and not least upon Beza (1519–1605), Hotman (1524–90), and Duplessis-Mornay (1548–1623). The friend of Calvin, Beza was deeply tinged with the thought he learnt at Geneva. In the eyes of Beza, Calvin was as little capable of going astray as the Pope is in the eyes of a Jesuit. Did Calvin consent to the burning alive of Michael Servetus? Then it was the duty of Beza to justify this action in his treatise *Concerning the duty of punishing heretics by the civil magistrate: in answer to the medley of Martin Bellius and the sect of the new Academics*, published in 1554. Bellius was really Sebastian Castellion, who had published this very year his *Traicte des Hérétiques*, a plea on behalf of toleration. In true mediaeval fashion Beza will punish neither Jews nor Turks, for they do not belong to the Church; but he will punish all her members who stray from the orthodox path. We read much of the acts of Moses, Asa, and Josiah, and the punishment of Philetus and Hymenaeus is held up to our admiration. To Beza "such men appear to act more absurdly than if they were to deny that sacrilegious persons or parricides ought to be punished; since heretics are infinitely worse than all such criminals." The State, however, not the Church, is to deal with them, meting out to them the punishment of death. "In fine," concludes Beza, "I do not hesitate to affirm that those princes do their duty who adopt as examples for their own imitation these laws of God, by establishing, if not the very same kind of penalty, yet certainly the very same measure of penalty, and who, as against factious apostates, enact

some form of capital punishment for horrible blasphemy and crime. For the majesty of God should be held to be of such moment among all men, through the everlasting ages, that, whoever scoffs at it, because he scoffs at the very Author of life, most justly deserves to be put to death by violence. This I say, this I cry aloud, relying upon the truth of God and the testimony of conscience. Let my opponents shout until they are hoarse that we are savage, cruel, inhuman, bloodthirsty. Yet shall the truth conquer and show at length that they deserve these epithets who, in their preposterous or insincere zeal for clemency, suffer the wolves to fatten upon the life of the sheep rather than do their duty in vindicating the majesty of God."

Grim as the *De haereticis a civili magistratu puniendis* is in one way, Beza's *Du droit des magistrats sur leurs sujets*, published in 1574, is even grimmer in another way. For in this slender pamphlet of eighty-five pages he revives John of Salisbury's defence of tyrannicide. The date of publication marks the change that the year 1572 had already affected in his mental outlook. After the Massacre of Vassy, 1562, he had meditated resistance, but the horrors that Catherine de' Medici let loose turned his meditation to practical purpose. God is sovereign, he points out, and all power comes from Him. With him this means in daily life that he considers that the magistrates exist for the sake of the people, not the people for the sake of the magistrates. Under these circumstances, is resistance lawful? Of course it is, if the sovereign orders anything contrary to the decrees of God. Christians can employ patience and prayer, but they can also employ arms against any usurped domination. Their representatives are above kings, and they serve as a check on kings when they turn tyrant. Moreover, the rights of nature justify the appeal to force. These rights are inviolable and imprescriptible. In the name of the Law of Nature we must obey princes "provided they do not command irreligious or iniquitous matters." This law plainly enforces the Decalogue, for is not the first table of the law of God part of natural law? The civil contract contains the Decalogue, and this contract

cannot be abrogated. The rights it guarantees are unquestionably inalienable.

Tyranny must at all costs be controlled. Like his master, Calvin, Beza distinguishes between three categories of persons. First, there are quite private people who cannot, in their private capacity, oppose their force to the force of the tyrant. They must, however unwillingly, suffer the yoke. Then come the inferior magistrates, officers of the kingdom rather than of the king, and among them he reckons dukes, marquises, counts, mayors, consuls, echevins, and the like. It is open to them to oppose the manifest oppression of the people. Above the private persons and the inferior magistrates stand the representatives of the people who are the sovereign guardians of the people. They serve as the effective check to the sovereign, and must repress him when he turns tyrant. These are no mere counsels for the closet; they are meant for guidance in life. For Beza furnishes a list of the countries which have got rid of their kings when they refused to abide by the conditions of the *pactum subjectionis*. If, however, all these sets of people fail, then there is still the terrible remedy of tyrannicide. Like the Jesuits, and unlike all his Huguenot fellow-pamphleteers, Beza stands out as the one reformer who staunchly advocates this awful right.

The legalist nature of Calvinism appears in all its adherents and this is markedly the case with François Hotman. Calvin and Beza had been obliged to take refuge in Switzerland, and Hotman, after 1572, was another exile. On 17 June, 1574, he wrote a letter seething with passion to his friend Walther: "La reine mère s'est emparée du pouvoir alléguant une parole du roi, comme si l'on pouvait disposer par un testament de ce n'est pas à soi! Qui peut ignorer, pour peu qu'on connaisse notre besoin, que le droit de gouverner dans les interrègnes appartient aux États généraux et au Conseil." His devotion to his country appears in an unexpected form in his *Anti-Tribonian*, where he takes occasion to show that French law is best understood by the perusal of French history, anticipating a position similar to that of Savigny. The harm, he thinks, that the code of Justinian has inflicted upon la patrie is incalculable.

In this frame of mind he wrote in 1573 his *Franco-Gallia*, a book inspired by lofty national sentiment. Here is his definition of the French: "Comment que ce soit, et quel accident que c'ait esté, qui ait donné ce nom aux François, quant à moy je suis content de croire, et suis bien d'accord, que ce fut cette gentille rencontre, de bon et heureux présage, dont il prit son origine, de sorte que dès lors ceux là portèrent meritoirement et proprement le titre de François, que ayans abatu la domination des tyrans, se maintindrent en liberté honeste, mesme sous l'autorité des voys."

The men of the early Renaissance breathe the cosmopolitanism of an Erasmus; their country is wherever scholarship flourishes, and this provides us with one cause of the quarrel of a patriot like Luther with humanism. Machiavelli in one fashion and Hotman in another afford indication after indication that what moves them deeply is the nascent nationalism of the time. True, the 100 pages of the *Franco-Gallia* are filled with classical quotations. If they are filled with such quotations, it is for the purpose of inspiring their reader with the love that the Athenian had for the city of the Violet Crown and the love that the Roman had for the city of the Seven Hills.

As Hotman read the annals of the past of his country, he seemed to perceive a remedy for the political evils of his time. For it is worth while noticing that as there was as yet no French Revolution, he scanned his documents well aware of the continuity of his national history. The English are the only nation now left in Europe that can proudly declare that there is no break of any kind in the continuity of their history, and that an act of Richard I, if unrepealed, is every whit as binding as an act of George V. In 1573 France was in the same happy position, and Hotman teaches implicitly the unity and the continuity of his history. As he warms to his work, in spite of his classical quotations, he forgets the example of Rome when it comes to electing kings, an example which, after all, is beside the issue, for was not Rome subdued by Gaul? We hear of Casticus, king of the Sequani, and of Ambiorix, king of the Ebur, just as we hear of Plato and Aristotle, of Cicero and Polybius. These examples and these authorities are

all invoked to show that France enjoyed an elective system of royalty. The subjects of the king neither are nor were serfs. The extent of the power of the people is, he thinks, obvious from a remark of a native of Gaul that the multitude exercised no less authority over the king than the king over the multitude.

We learn that a general assembly of delegates governed sixty-four cities. These cities had chiefs, and above them stood their leader. Behind the governors of the cities, behind the kings, and behind their leader, there loomed the authority of the national assembly, the States General, the ultimate fount of authority. Hotman does not care for a purely elective royalty, and he admits that in France the Dauphin succeeds his father. Still, "the people possessed a sovereign authority not only to elect their kings, but also to repudiate the sons of the kings, and elect strangers." According to Hotman, the national assembly, after the fashion of the Aragonese, used to say to the monarch, "We who are as good as you, and are more powerful than you, elect you king on such and such conditions. Between you and us there is One with greater authority than you." We find mention of the example of Hilderic, of Chlodwig, and of others. Of course Hotman admits that what he describes has not invariably been realised, for some strong monarchs contracted the rights of the national assembly, rights which really flow from the *jus gentium*. Hugh Capet is a case in point. In spite of the example of Pepin, the Pope, we learn, cannot elect the king of the Franks. He can confirm a choice already made. No doubt Louis XI ruled tyrannically, as Hotman perceives. A review of the history of his country, nevertheless, convinces him that "our commonwealth, founded and established in liberty, retained for more than eleven hundred years that free and venerable constitution (*statum*) which it possessed, even by force of arms against the power of tyrants." Its present condition is not all that it ought to be. Still, the remedy is for the people to re-possess themselves of their ancient and undoubted rights. There is a social contract. Woe betide the king if he break it! There is the States General. Woe betide its members if they do not exercise its functions!



These are the remedies, the genuine remedies, to restore France to her former condition of health.

The Parlements are simply law courts, and must on no account be allowed to come into rivalry with the real Parliament, the States General. Hotman draws a picture of a free commonwealth of warriors, in which each freeman has his place in the State, where the vote of the national assembly is the final authority on all matters. This immemorial French constitution forms the burden of the *Franco-Gallia*. Hotman sees it change its form from age to age. He notes that in spite of storm and stress it has never wholly died out. The continued national life of his people, notwithstanding foreign conquests and internal revolutions, has remained unbroken for eleven hundred years. At no moment, in his opinion, has the tie between the present and the past been utterly rent asunder. Each step in French growth has been the natural consequence of some earlier step; each step in French law and constitution has been, not the bringing in of anything wholly new, but the development and improvement of something already old. In spite of reigns like these of Hugh Capet and even of Louis XI, the great march of political development has never wholly stopped. Let ancient customs prevail, pleads Hotman; let his countrymen ever stand fast in the old paths. They have had one national name, one national speech—the Breton tongue is simply a local variation of it, preserving an older form—from the beginning, and they have had an unbroken national existence. There was a time when every freeman in France could raise his voice or clash his weapon in the national assembly which made and unmade kings. Let his fellow countrymen but recall the spirit of these heroic days, and all will be well. Freedom for Hotman is an essentially ancient possession, as well as being a noble possession. Well would it have been for France if the counsels of Hotman had been always borne in mind! For then there would have been no Revolution of 1789, cutting the present off from the past. The history of the *Franco-Gallia*, no doubt, is occasionally fanciful. Its spirit is one of the most precious any country could enjoy.

Theodore Beza and Philippe Duplessis-Mornay belonged

to old families of the nobility. Like Beza and Hotman, Mornay studied law to some purpose, for all these Huguenots possessed as legal a cast of mind as Calvin their master. All three became exiles on account of their faith, a circumstance that is apparent in their writings. After St. Bartholomew's Day, 1572, the question of the authority of the king was one of burning importance. All must obey their sovereign, but must all continue to obey him when he turned tyrant? Before 1577 Mornay has composed his *Vindiciae contra tyrannos*, which he published in 1579, a year also that witnessed the publication of George Buchanan's *De Jure Regni*, a volume on practically the same theme. Nor is Duplessis-Mornay's book a mere livre de circonstance, for in it he seeks to meet the arguments of Machiavelli's *Prince*. The Florentine had dispensed with natural law, a position Mornay wholeheartedly repudiates. The Bible, the Law of Nature, civil and imperial law, moral and political philosophy are the authorities he consults in his desire to arrive at the truth. Deductively he builds up a system based on the inalienable rights of man, and he is the first thinker to do so. He propounds four questions. They are (1) Whether it is the duty or the obligation of subjects to obey a prince's ordinances when contrary to God's law? (2) Whether they may lawfully resist a prince who is setting aside God's law or laying waste his church. If so, to whom, by what means, and to what extent is it lawful? (3) Whether and how far they may resist a prince who is oppressing or ruining a State. To whom is this lawful, by what means, and by what title? (4) Whether it is the right and duty of princes to interfere on behalf of neighbouring peoples who are oppressed on account of their adherence to the true religion, or by any obvious tyranny?

Calvin himself and his three French disciples do not for a moment include everyone in their contractual conception of the State. With them the populace includes everyone; the people mean the elect, and it is with the elect that they are all primarily concerned. At Geneva there was a Council of twenty-five as well as larger bodies of sixty and two hundred, but it was the Council that wielded the real power. By nature an aristocrat, it is only by grace that Calvin's

work leads to democracy. Accordingly, Duplessis-Mornay busies himself with the people who have entered into a contract. They have sworn to be God's people, and all their conduct must be in accordance with their oath. To him there is a triple contract on which all government depends, the contract between God and the king, that between God and the people, and that between the people and the king. All other forms of government, like those of Russia and Turkey, are not imperia sed latrocinia.

In true mediaeval spirit Mornay conceives the relation of God to the earth as that of a feudal lord to the coloni and the emphyteutae. The governors are Dei beneficiarii et clientes, and they receive the investiture of their property from God. The points raised by Beza on natural law and the points raised by Hotman on the election of kings he duly repeats and emphasises. In the spirit of Wyclif, he urges how largely the contractual idea entered into the feudalism of the past and into the France of the present. Taking the ground that the larger the estate that the vassals enjoy, he argues that the more ample is their sense of the debt they owe. This consideration applies with the utmost force to the chief vassal, the king. All kings are but God's Vicars. Has God created them sovereigns without reserving his sovereign rights? No feudal chief would dream of such an action, and God could not think of it. Fundamentally kings are nothing but the vassals of the King of Kings. Just as a vassal may forfeit his fief, so a king may forfeit his—if he neglects God and allies himself with God's enemies. "The people is obliged to the prince on condition; the prince is obliged to the people purely and simply. Yet if the prince does not keep his promise, the people are at liberty, the contract rescinded, and the right, the obligation annulled."

We are now in a position to answer the four questions that Duplessis-Mornay propounds. It is easy to answer the first one, for the whole drift of his feudal arguments goes to show that it is neither the duty nor the obligation of subjects to obey a prince's ordinances when contrary to God's law. Once the general point raised by the first question is satisfactorily settled, we come to the second question. The

answer to it is in the affirmative, but it is more difficult to arrive at details commanding universal assent. The second question raises the issue of the nature of tyranny. In the judgment of Mornay there are two classes of tyrants. The first is the titleless tyrant who takes possession of the kingdom by main force and evil practices. The second is the ruler who of set purpose oppresses his people. He has received the kingdom by election or by succession, but he governs it against right and equity. With the first class our author experiences little difficulty. For "natural right teaches us and commands us to maintain and guard our life and liberty, without which life is not life, against all injury and violence." Indeed, "the rights of nature, of people, of civil laws, command us to take arms against such tyrants." If the titleless tyrant lays aside his evil ways and if he wins the consent of the people, he becomes a tyrant with a title. Mornay, clearly, does not care for the prospect of even cautiously advocating the right of resistance. This caution is marked in his treatment of the second class of tyrants. Mere misgovernment is not enough, for kings, after all, are fallible men. Mornay asks, Is there a set purpose behind his misgovernment? The element of deliberation in his tyranny renders it serious, and, if this element is present, he is a tyrant. The private man, however, must not bear the sword against him. This is the duty of the nobility, the representatives, and the magistrates. They are to realise that "not only is tyranny a crime, but it is the chief and the climax of all other crimes." "If the brigand and the sacrilegious are reckoned infamous, if men sentence them to death for their deeds, could we invent a punishment great enough for the crime of tyranny?"

The answer to the third question as to whether and how far the people may resist a prince who is oppressing or ruining a State, turns on the Calvinistic conception of the sovereignty of God. The history of the Israelites, of the ancient Greeks and Romans, as well as that of the French monarchy, all co-operate in showing that though God chooses the king, the people instal him. "No one is born a king; no king can exist per se or can reign without a people. But on the contrary, a people can exist per se and is prior

to the king in time." The monarch is the *de bene esse* of the State; the people are the *de esse*. Plainly the people can revolt against the king, but does the people mean any one man? It does nothing of the sort, for if any individual, a Theudas or a Barcochba, possesses such a right, then we stand in danger of anarchy. The people are not the populace. They are the elect organised with legal and legitimate representatives. With the magistrates behind them, the people can offer resistance. If, however, they fail to do so, the only resource available is flight.

The last question is, Is it the right and duty of princes to interfere on behalf of neighbouring peoples who are oppressed on account of their adherence to the true religion, or by any obvious tyranny? Calling to mind the action of Elizabeth of England and the Protestant princes of Germany, Mornay is quite sure that such a question is also to be answered in the affirmative. There is nationalism evident in the writings of Pierre Du Bois and of François Hotman, and there is something of this spirit in Philippe de Duplessis-Mornay. There is also a breath of the new spirit of cosmopolitanism that is really refreshing. If the Church is truly Catholic, why should not members of her in England and Germany come to the succour of their distressed fellow-members in France? For are not we all one body?

The cosmopolitanism of the humanist was a cosmopolitanism devoid of all nationality. The cosmopolitanism of Mornay is a cosmopolitanism instinct with nationality. When a Swiss patriot was asked, "Do you care more for your country than your canton?" His reply was, "My shirt is nearer to me than my waistcoat." The spirit animating a man like Mornay is to care for his waistcoat as well as for his shirt. Hear his memorable words: "Pour ce, dit Cicéron, que tous les hommes ont une mesme nature humaine, nature prescrit et ordonne qu'un homme désire et procure le bien de l'autre quel qu'il il soit, seulement pour ceste cause qu'il est homme; autrement il faut que toute association humaine péricule. Et pourtant, comme la justice a deux fondements, le premier qu'on ne fasse tort à personne, le second qu'on aide à chascun, si faire se peut;

aussi y a il deux sortes d'injustice, l'une de ceux qui font tort à leurs prochains, l'autre de ceux qui, pouvans empescher le mal, néanmoins laissent leurs prochains accablez sous iceluy. . . . Oyez l'avis des philosophes payins et politiques, qui ont beaucoup plus saintement parlé en cest endroit que plusieurs chrestiens de nostre temps. . . . Le prince qui regarde, comme en passant le temps, les forfaits du tyran, les massacres des innocens, lesquels il pourroit conserver, pour certain, en prenant son plaisir à une escrime si sanglant, est d'autant plus coupable que de tyran mesme; et celuy qui fait entretuer les autres es plus homicide que ceux qui tuent." Mornay recalls the saying of Terence, "Homo sum; humani nihil a me alienum puto." In this spirit he writes: "Après avoir encore flétri le sophisme de ceux qui repoussent toute intervention pour secourir les peuples souffrants, mais pratiquent toutes les interventions pour piller voisins et s'emparer de leur pays."

The spirit of Calvinism is not confined to Beza, Hotman and Duplessis-Mornay; it is every whit as influential in the uninspiring yet original mind of the German jurist, Johannes Althusius (1557-1638) who is at least as important because Gierke wrote his masterpiece of mediaeval learning about him, as he is for his own sake. A Calvinist elder in the church at Emden, a courageous magistrate in that town for thirty-six years, and a professor of laws at Herborn, there is inevitably a legal spirit in his *Politica methodice Digesta, Exemplis sacris et profanis illustrata*, which he published in 1603. Jewish law in general, and the Decalogue in particular, which is really natural law, are admiringly put before us. The code of Discipline of Calvin counts for everything. As in Geneva, the State is to supervise morals and conduct on a truly paternal scale. Althusius holds that every species of associated life has its foundation in an agreement or contract to which the individuals are parties. These associations link themselves into small groups, and these small groups into larger. The union of these groups arises through necessity, and is based on contract. From the family we proceed to the corporation, from the corporation to the commune, from the commune to the province, and from the province to the State.

Inevitably he defines the State as "a general public association in which a number of cities and provinces, combining their possessions and their activities, contract to establish, maintain and defend a sovereign power." Clearly these associations are anterior to the State, which derives its life from them. In fact, we reach the revolutionary position that the groups are essential and the State non-essential. As in the republics of antiquity, the members of such a State are not all the individuals who reside within its limits. Indeed, it was not till after the French Revolution of 1789 that this idea was really entertained. Gierke analyses the debt Althusius owes to the Monarchomachi in general and to Duplessis-Mornay in particular. In fact, the *Politica* forms the bridge to span the gulf between the rudimentary governmental contract of the *Vindiciae contra tyrannos* and the highly developed social contract of Rousseau.

Sovereignty is the supreme and supereminent power of doing what pertains to the spiritual and bodily welfare of the members of the State. By the nature of associated life (consociato) this power inheres in the people. Althusius, unlike the Monarchomachi of the sixteenth century, makes the advance of basing his social contract upon the conception of the people as a *societas* rather than as a *universitas*. His sovereignty belongs to the corporation as a whole, not to its members. He endorses the dictum of the Digest that "what is owed to a corporation is not owed to individual members," a position that sufficiently checks the vagaries of the will of the individual. It is the view held by Mornay, clothed in a legal form. Obviously the duties of the State devolve on officials, and hence he bestows this delegated authority on kings and magistrates. By basing the State on associations, Althusius effects the disappearance of the distinction between private and public rights. Sovereignty is therefore vested in the whole body of the people, and as it is out of the question for the part to claim to be the whole, neither the monarch nor his official can genuinely claim to be sovereign. Sixteen years before Bodin, for the first time, had developed a fine theory of sovereignty, and this Althusius proceeds to criticise and to reject.

The officials of this Calvinist State fall into two classes: first, what Althusius calls the "ephors"; second, the "chief magistrate" (*summus magistratus*). Under the first head he includes all the various orders and estates in the provinces and cities whose function it is to act as a restraint upon the chief magistrate. As these various bodies are representative of the whole people, the real sovereign, they act as a check upon the head of the State. Like Hotman and Duplessis-Mornay, he conceives that if they do not take action against the tyrant, then their authority falls to the assembly of the whole people. The king does more than reign, for he governs. He is the executive of the people, carrying out the details of administration and executing the laws. He stands towards his people as an agent (*mandatorius*), and the kingly office, in the opinion of Althusius, shares the nature of agency. There are two contracts, the contract of society and the contract of government. The contract between king and people is perfected through his choice and coronation. He undertakes to govern in conformity with the fundamental laws of the realm, and on this condition his subjects agree—are they his subjects really?—to obey him. With Hotman he agrees in thinking that the obligation of the monarch is absolute, while that of the people is merely conditional. They are practically in the position of "Heads I win, tails you lose." Did Althusius ask himself the question Napoleon asked the Abbe Sièyes when offered the nominal First Directorship, Am I a hog simply to fatten at the expense of the people?

The task of Althusius in making the usual deductions on the question of tyranny are readily anticipated. Unmistakably when the chief magistrate transforms himself into a tyrant, he releases his people from their allegiance, and he sets in motion their right of resistance and deposition. Woe betide the individual, however oppressed, who dare act on his own initiative! Clearly such action is not to be tolerated. The corporation must act as a whole, acting through the ephors to which Calvin had almost seventy years before called attention. The assembly of ephors, representing the sovereign people, possesses the right and the duty of resisting, of expelling and of putting to death



the tyrannical chief and magistrate. To each member of the confederacy, acting through its particular ephors, belong the right and the duty, as an ultimate means of security against tyranny, of renouncing its connection with the rest and of associating itself with some other realm. So wrote Althusius in 1603, as if foreseeing that reaction against royalty that characterised the second quarter of the seventeenth century.

Just as there was a reaction against royalty during the last quarter of the fourteenth century, so the second quarter of the seventeenth century witnessed all over Europe a similar reaction. The Eighty Years' War had left Spain in a poor position. Holland and Catalonia had torn themselves away from her. The Thirty Years' War so drained the remaining blood of the Holy Roman Empire that it never quite recovered. True, the smaller States of Germany were more independent, but their heads possessed less real power. Just as the United Provinces got rid of royalty, so Sweden got rid of the capable and careless Queen Christina, the strange daughter of Gustavus Adolphus. The power of the Papacy had been Hildebrandine, whereas now it was simply that of the restricted authority of Alexander VII. In France the Fronde showed the new—yet old—place to which nobility aspired. In England there was the contest between Cavalier and Roundhead from which the Stuarts never genuinely recovered. In Scotland the Scots were fighting Charles I, and their example fired the Irish.

Turbulent the Scots had long been, and the doctrines of the Reformation did not tend in the direction of curbing the turbulence of the majority of the people. In an address to the nobility and Estates of Scotland, John Knox had in 1544 unambiguously laid down that it is "no less blasphemy to say that God had commanded kings to be obeyed, when they command impiety, than to say, that God by his precept is author and maintainer of all iniquity. True it is, God hath commanded kings to be obeyed, but like true it is, that in things which they commit against his glory, or when cruelly without cause they rage against their brethren, the members of Christ's body, he hath commanded no obedience, but rather he hath approved,

yea, and greatly rewarded such as have opposed themselves to their ungodly commandments and blind rage, as in the example of the Three Children, of Daniel, and Abdemelech (*sic*), it is evident." To Calvin in 1544 Knox submitted a series of questions on the limitations of royal power, questions he had been forced to consider by the overthrow of all his hopes through the accession of Mary Queen of Scots. Mary of Scotland and Mary of England were the women who incited him to write in 1557 and to publish in the following year his *First Blast against the Monstruous Regiment of Women*. He argues that the promotion of a woman to bear rule in any realm is repugnant to nature, is contrary to the will of God, and, finally, is the subversion of good order. In support of these arguments he draws on the classical writers, Roman law, the Bible, and the Fathers. While nominally its author is discussing the rights of women, he really is discussing the weighty question of the right of rulers to enforce laws against the consciences of their subjects. By subjects Knox no more means the rank and file of the populace than any other of the Calvinists. The middle classes were those to whom he trusted for assistance; the rest was simply the "rascaille multitude."

In an interview with Mary in 1561, she charged him with disloyalty as a subject. "Think ye," she inquired, "that subjects having power may resist their Princes?" "If their Princes exceed their bounds," was the startling reply of the reformer, "Madam, it is no doubt but they may be resisted, even by power. For there is neither greater honour nor greater obedience to be given to kings or princes than God has commanded to be given unto father and mother. . . . Or, think ye, Madam, that God will be offended with them that have stayed their father to commit wickedness? It is even so, Madam, with Princes that would murder the children of God that are subject unto them. Their blind zeal is nothing but a very mad frenzy; and, therefore, to take the sword from them, to bind their hands, and to cast themselves in prison till they be brought to a more sober mind, is no disobedience against princes, but just obedience, because it agreeth with the will of God."

A statement of Knox was never academic: it was invariably a call to action. The resolution of the General Assembly required kings to promote "the true religion . . . as they are obliged . . . in the law of God . . . in the eleventh chapter of the second book of the Kings, and as they crave obedience of their subjects so the bond and contract to be mutual and reciprocal in all times coming betwixt the prince and God and his faithful people according to the word of God." What the General Assembly passed as a resolution was turned into action by the Scots Parliament in 1567, when it formally dethroned Mary. What the French disciples thought, the British ones put into action. Indeed, one of the outstanding differences between political science in France in the sixteenth century and political science in Great Britain in the sixteenth and seventeenth centuries is, that though building on the same premises, the British are marked out by the relentlessness with which they developed their logical outcome.

What John Knox preached the Scots Parliament practised, and what it practised the Estates General of the Netherlands also practised in 1581, when it declared its independence of the tyranny of Philip II of Spain. The preamble to this Declaration of Independence points out that "all mankind know that a prince is appointed by God to cherish his subjects, even as a shepherd to guard his sheep. When, therefore, the prince does not fulfil his duty as protector; when he oppresses his subjects, destroys their ancient liberties, and treats them as slaves, he is to be considered not a prince, but a tyrant. As such, the estates of the land may lawfully and reasonably depose him, and elect another in his room." "God did not create the people slaves to their prince, to obey his commands, whether right or wrong, but rather the prince for the sake of the subjects." "When this (tyranny) is done deliberately, unauthorised by the state, they may not only disallow his authority, but legally proceed to the choice of another prince for their defence. . . . This is what the law of nature dictates for the defence of liberty . . . more justifiable in our land . . . for most of the Provinces receive their prince upon certain conditions, which he swears to maintain; which, if the

prince violates, he is no longer sovereign." Accordingly from 1561 Philip II was no longer sovereign of the Netherlands.

A measure so far-reaching as dethronement called for justification. To this task George Buchanan (1506-1582) addressed himself in his *De Jure Regni apud Scotos*, published in 1579. Its main motive was the justification of the dethronement of Mary in 1567, and Buchanan addresses himself with a feeling that shows how much he realised the importance of this defence of the action of the Scots. His book takes the form of an imaginary dialogue between himself and Thomas Maitland, a younger brother of Secretary Maitland. Setting out with the assumption that king and tyrant are contradictories, Buchanan touches on the origins of society. Utility he does not regard as a satisfactory explanation of the process by which men came to have fixed homes and settled laws. This process he finds in that natural instinct of man which leads him to associate with his fellows. It is this instinct, "conformable to nature," that drives man to forsake the "vagrant and solitary life." In fact, society comes directly from God: it is due to "the law implanted in our minds by God at our birth." The interests of men, however, are diverse, and our author raises the question, Who is the reconciler of these diverse interests? Clearly it is the king, and the various names by which he is known, father, shepherd, and the like, prove that he exists not for himself, but for his people. What the physician is to the body the king is to the State, and the aim of each is the preservation of health, and its restoration when lost. In the State, as in the body, there is a certain temperamentum. For the State, Buchanan thinks that this temperamentum is justice. On the other hand, Maitland thinks that temperance is the apter virtue.

The origin of kingship is of course to be found in natural right (*jure illo naturae*). The king arises justly when the people choose him, and he continues in his office by their will. Prudence is the chief art the king has to practise; but as he is not invariably gifted with prudence, the law is added as something outside by which he must be guided. Buchanan manifests a lordly indifference to the form of

government the people may choose so long as it is legitimate. King, doge, consul—all are alike to him. The main matter to be borne in mind is that the king exists for the administration of justice. Because some kings failed in this the law was added. Rex, lex loquens: lex, rex mutus. Practically, Buchanan makes the people, in the last resort, the authors of the laws, for they are the authors of kings. The people must at the same time be its interpreters. Buchanan blandly assures Maitland that such limitation of royal powers is no dishonour of kings, for it still leaves them the function of the true physician—that of relieving the State from all the evils to which it is incident.

Buchanan finds the distinction between the king and the tyrant to lie in the circumstance that the latter seizes and holds the power against the will of the people, and makes his own will the law. Maitland points out that as in Scotland the kings are hereditary, and not elective, the people must needs be content with whatever ruler chance may bring them. With Hotman, however, Buchanan argues that the Scots have always retained and exercised the right of calling bad kings to account, and of punishing violence offered to good ones. Twelve or more bad kings of Scotland might be named who were imprisoned, exiled, or put to death by their subjects. Buchanan deems that the case of James III puts this right of the Scots beyond question. In the Assembly of Estates it was enacted that James had justly suffered death, a clause being added that no one should be injured who had been concerned in the conspiracy against him.

There is a mutual pact between king and people (*Mutua igitur regi cum civibus est pactio*), and this pact goes to the root of the whole question. The coins stamped at the coronation of the infant King James VI in 1570 bear on the reverse a drawn dagger and the motto: "Pro me si mereor in me"—a sufficiently plain version of the theory of contract. The phrase is said to have been used by Trajan when handing a sword to the prefect of the praetorian guard. When Maitland suggests that the example of St. Paul proves that the apostle taught obedience to the

higher power under all circumstances—Did not such tyrants as Caligula and Nero reign in his day? Buchanan meets this by stating that St. Paul spoke of the office, not of its holder. Obviously this is the apostle's meaning. For our author argues that if St. Paul had meant unconditional obedience to every kind of ruler, his words would equally apply to all grades of office. Judges, therefore, and other subordinate officials could not be punished for their misdemeanours. Besides, it is the express command of Scripture that every criminal should be punished, and nowhere is any immunity from punishment granted to tyrants. This reasoning is not unlike Mariana's, and we do not feel surprised when a squib produced during the Great Civil War of the seventeenth century identified the teaching of the two political philosophers:

A Scot and Jesuit, hand in hand,  
First taught the world to say  
That subjects ought to have command,  
And monarchs to obey.

The influence of Calvin's *Institutes* is as obvious in the New World as in the Old. In the State it is plain that the theory of the Separatist and the Puritan was aristocratic. In 1634 Cotton wrote to Lord Say and Sele, Lord Brooke and others, who proposed to settle in New England: "Democracy I do not conceive that ever God did ordain as a fit government, either for Church or commonwealth." He added the pointed question: "If the people be governors, who shall be governed?" There was no fear of the power of the peer in the brain of Cotton, but there was a distinct dislike to admit to the rights of citizenship men who were not Church members. His Christian duty was "to endeavour after a theocracy, as near as might be, to that which was the glory of Israel, the peculiar people." In 1638, John Winthrop, senior, wrote to that severe autocrat, Thomas Hooker, that it was unsafe to bestow political power on hoi polloi, because "safety lies in the councils of the best people, which is always the least, and of that best part, the wiser part is always the lesser." Democracy he "branded with reproachful epithets . . .; and historians do record that it hath been always of least continuance and full of

troubles." Arbitrary rule could be limited by political covenants, similar to those existing between God and man. Liberty, he thought with the disillusioned Milton, was based on authority, and consisted in doing that "which is good, just and honest."

In a homily against democratic turbulence Winthrop remarked: "I observe a great mistake in the country. There is a twofold liberty, natural (I mean as our nature is now corrupt), and civil, or federal. The first is common to man with beasts and other creatures. By this, man, as he stands in relation to man, simply hath liberty to do as he lists; it is a liberty to do evil as well as to do good. This liberty is incompatible and inconsistent with authority, and cannot endure the least restraint of the most just authority. The exercise and maintaining of this liberty makes men to grow more evil, and, in time, to be worse than brute beasts: *omnes sumus licentia deteriores*—we all become worse by licence. That is the great enemy of truth and peace, that wild beast, which all the laws of God are bent against, to restrain and subdue it. The other kind of liberty I call civil or federal; it may also be called moral in reference to the covenant between God and man in the moral law, and the political covenants and constitutions among men themselves. This liberty is the proper end and object of authority, and cannot subsist without it, and it is a liberty to that only which is just, good and honest. This liberty you are to stand for at the hazard not only of your goods, but of your lives if need be. Whatsoever crosseth this is not authority, but a distemper thereof. This liberty is to be maintained and exercised in a way of subjection to authority; it is of the same kind of liberty wherewith Christ hath made us free."

Thomas Hooker replied to Winthrop that "in all matters which concern the common good, a general council, chosen by all, to transact the business which concerns all, I conceive under favour, most suitable to rule and most safe for the relief of the whole." The voice of Hooker, however, was the voice of one crying in the wilderness. No doubt some of the statements, *e.g.*, Winthrop's, were inspired by a dread of such extreme democracy as the granting of the vote to all

males over twenty-one. Women were excluded from all political power, a position that would have commanded the hearty assent of Bodin and Buchanan. "For Church work," announced Nathaniel Ward, "I am neither Presbyterian, nor plebsbyterian, but an Interpendent." His attitude is plain in his pithy quatrain:

The upper world shall Rule  
While stars will run their race:  
The nether world obey,  
While people keep their place.

The democratic ideal is obvious in the *Model of Church and Civil Power*, which it is probable that Richard Mather wrote. "In a free State," it declares, "no magistrate hath power over the bodies, goods, lands, liberties of a free people, but by their free consent." The theocratic nature of the new State is clear in the qualifying assertion immediately added, pointing out that "as all free men are only stewards of God, they may not give the magistrate power over those things as they please, but as God pleases. Therefore the magistrate's power is limited by the only perfect rule of the word of God." John Eliot, the saintly apostle to the Indians, advocated a naked theocracy in the pages of *The Christian Commonwealth*. In private life the autocrat of Geneva, John Calvin, annihilated the will, and in public life God ruled. If a system of government successfully claimed Divine authority, the Puritan must accept it. The transition from liberty to absolutism is plain in Marvell's *Ode to Cromwell*, which testifies how readily Puritanism on its political side lapsed into Hobbism.



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## Chapter VI.

### SOVEREIGNTY, NATIONAL & INTERNATIONAL.

JEAN BODIN (1530–96) is a writer second to none in importance during the sixteenth century. A jurist, a humanist, and a professor of law at the University of Toulouse, he was amply equipped on the intellectual side. Nor is his equipment on the practical side a whit less satisfactory. The advocate of the king at Laon, the deputy of the Third Estate at the Estates of Blois, the Politique, he was deeply immersed in the affairs of his country. In 1566 he published his *Methodus ad facilem Historiarum Cognitionem*; in 1568 his *Réponse à M. de Malestroit touchant le fait des monnaies et de l'enchérissement de toutes choses*; and in 1577 his masterpiece, *Six livres de la République*. That he is a man of his own century is apparent in his *Théâtre de la Nature*, in the course of which he pleads vehemently for the influence of the stars on human nature. That he is a man of all the centuries is no less apparent in his *Heptaplomeres*, in the course of which he pleads on behalf of toleration.

Bodin touched all aspects of political thought, and on all of them he makes illuminating—if discursive—remarks. He was a scholar, who strove before all to be a thinker; a lawyer, who was as interested in the origin of legal rules as in the rules themselves; a man of the world, who brought all the resources of his shrewd common sense to the investigation of political problems; a sociologist, who neither dealt in names nor played with words. When he began his work the background was obscured and the road obstructed by *a priori* theories based on an hypothesis of a law and a state of nature, for this conception was universal throughout the sixteenth century. While not altogether refusing to accept the idea of a social compact as the basis for the rights and duties of man in society, Bodin shows himself conscious that all we know about the early stages of human societies proves them to be organic bodies and not the products of contractual combination. If in one direction he emancipated

himself from a prevailing misconception, in other directions he did nothing of the kind, for he was a believer in sorcery, in the virtues of numbers, and in the power of the stars. Swift tells of an island in which there was a spring of water, the taste of which drove men demented. The water, however, was so attractive that ultimately all, save one philosopher, drank of it. At last he could not bear to be the only sensible person left in the island, and he also drank of it. Bodin found it equally difficult to keep clear of the delusions of his age in all its aspects. Even an illuminating thinker of his calibre cannot shake himself free from the irrational prejudices of his age; they are, as it were, part and parcel of the mental atmosphere he breathes.

The *Historic Method* (Methodus ad facilem historiarum cognitionem) is not so much a philosophy of history as a method of studying and appreciating history. In his preface our author expounds the easiness, pleasantness, and profitableness of historical study—"de facilitate, oblectatione, et utilitate historiae." Events are to be set forth in an orderly and independent fashion, and this order and independence will lead to the profit of the reader thereof. What are the causes of the movements of history? How are we to ascertain its laws? These are far-reaching questions which Bodin passes by as if they never existed. History to him—as to Machiavelli—was simply a means of providing intellectual entertainment to the reader, and, above all, practical guidance to the man of affairs. At the same time we acknowledge the wide view he took of its scope, for it included all human "consilia, dicta, facta." He argues that history should be studied in an order proceeding from the general to the particular—from a compendious view of universal history to the thorough investigation of its several portions—in such a manner that the relations of the parts to one another and the whole may be correctly perceived. He spends time in not very original remarks on the qualities of the ideal historian, the rules to be attended to in ascertaining facts and judging of evidence, the sources of the prejudices entertained by historians, the merits and the demerits of various ancient and modern historians, and the like. He anticipates Ranke

in holding that it is the office of the historian to record what has happened as it happened. "*Historia nihil aliud esse quam veritatis et rerum gestarum veluti tabula.*"

Bodin is philosophic enough in his legal outlook to share the views of Hotman that the enlightened jurist must not confine his attention to the law of Rome. Cujas, learned as he was, Bodin regarded as a mere interpreter of Latin texts. No study of Roman law, he argues, however complete and accurate, can afford more than a partial notion of law. It is absurd to identify Roman law with universal law. There is a universal law, in which all codes of law have their root and rationale, and of which they are but imperfect expressions. In order to reach this law the historians must be consulted as well as the jurists, in order that Persians and Egyptians, Greeks and Hebrews, Spaniards and English, may all find their due place side by side with the Romans. Hotman is a Germanist, but Bodin is a universalist. The sixteenth century believed in the golden age, a view that he rejects, for "if that so-called golden age could be revoked and compared with our own, we should consider it iron." Machiavelli assumed the immutability of human beings, an idea that Bodin cannot bear. For him history largely depends on the will of men, which is always changing. We discern the influence of the Renaissance in his notion that every day new laws, new customs, new institutions, both secular and religious, come into being, and new errors come with them. The mediaeval theologians divided the course of the history of the world into four periods corresponding to the Babylonian, Persian, Macedonian, and Roman monarchies, the last of which was to endure to the day of Judgment. Anticipating Hegel, in his *Methodus* Bodin suggests a division into three great periods: the first, of about two thousand years, in which the south-eastern peoples were predominant; the second, of the same duration, in which those whom he calls the Middle (Mediterranean) peoples come to the front; the third, in which the northern nations who overthrew Rome became the leaders in civilisation. We learn that each period is marked by the psychological character of the three racial groups. The note of the first is religion, of the second

practical sagacity, of the third warfare and inventive skill. Anticipating Montesquieu, he discusses anthropological considerations, in which he analyses the effects of climate and geography.

The perpetual digressions that characterise all the thought of Bodin are evident when we note the places in which he takes into account the influence of physical causes. He treats of them with considerable fulness in the fifth chapter of the *Methodus*, and with much more elaborate attention in the first chapter of the fifth book of the *République*. Nor does he leave his subject in that state of vagueness in which Hippocrates and Polybius, and Plato and Aristotle left it. All these writers point out that obviously there is a certain correspondence between the geography and the history of any nation. The truth is that it is always easy for an able man to develop views; the whole trouble is to prove them. The Greeks were every whit as keen-sighted as Darwin—*e.g.* Aristotle—in noting the fact of evolution. Where they failed was in giving us that mass of proof that makes the reasoning of the *Origin of Species* irresistible. In similar fashion Bodin proceeds to fill in the outlines of the ancients with innumerable details. Dividing nations into northern, middle, and southern, he investigates with amazing fulness of knowledge how climatic and geographical conditions have affected the bodily strength, the courage, the intelligence, the humanity, the chastity, and, in short, the mind, the morals, and manners of their inhabitants. He also indicates—invariably with example after example—what influence mountains and winds, diversities of soil and of situation, have exerted on individuals. As an instance of the power of climate we read that “le peuple de Septentrion le gaigne par force et le peuple de Midy par finesse,” a view adopted by Commynes. We also read that “ceux de milieu participent médiocrement de l’un et de l’autre; c’est pourquoi ils ont establi les grands Empires qui ont flory en armes et en loix.”

In the field of political economy Bodin is every whit as original as he is in the field of political philosophy. In 1566 M. de Malestroît had explained in his *Paradoxes* his views on the influence of currency. He thought that if a

cask of wine used to sell for four livres and now sold for twelve, it was accordingly thrice as valuable. His assumption was that not only were gold and silver the just standard, but that they were also the invariable one. In 1568 Bodin published his *Réponse aux paradoxes de M. Malestroit touchant l'enchérissement de toutes les choses et des monnaies*, and in 1576 his *Discours sur le rehaussement et la diminution des monnaies*. In spite of his leaning towards Mercantilism, he does not think for a moment that the precious metals in circulation represent the wealth of the community. As the customs of men were always changing, so the value of money was always changing. The real paradox of Malestroit was the fixity of its value. Like all men then and like most men to-day, he holds the view that the State must act in a truly paternal manner towards trade. Though he leans to the opinion that exports are more to be encouraged than imports, he is wiser in his economic outlook than Montaigne, who held that "il ne se faict aucun profit qu'au dommage d'autrui." To Bodin it was evident that both parties might gain by the transaction, for each gave up what the other wanted, and he himself received in turn what he wanted.

A man so enlightened as Bodin was, on some sides of his nature, naturally believed in toleration. It is possible that his belief was more from the realisation of the evils inflicted by the policy of persecution than by any precise belief, like that set forth in More's *Utopia*, in the virtues of toleration. It is not always wise to investigate too closely the causes of the belief of a Politique like Bodin. Along with his contemporaries, he believed in natural law, and he also believed in natural religion. In his *Heptaplomeres*, he practically holds the view that revealed religion is but the generalised conception of which natural religion forms the particular, and such an attitude gave him a decided bent towards the Politique policy of toleration. The speakers in the *Heptaplomeres* are Curoni the Catholic and Curce the Zwinglian, Federich the Lutheran, and Octave the Mohammedan, Salomon the Jew, and Senamy, the worshipper at all shrines, and Toralba, the devotee of natural religion. The spirit of the wars of religion is as far removed from Bodin

as it is from L'Hôpital. Our author reaches the unusual conclusion that "aussy i'entre volontiers et sans repugnance partout les temples des Iuifs, des Mahometans, des Chrestiens mesme Lutheriens et des Zwingliens, afin de nestre pas accusé d'atheisme ou destre vn seditieux capable de troubler la tranquillité de la republique. Je reconnois toutesfois que ce que i'ay ie tiens du chef ou maistre de tous les autres Dieux: qui nous empescheroit donc de mesler nos prieres en commun afin de toucher ce père commun de la nature et cet autheur de toutes choses, si bien qu'il nous conduise tous dans la connoissance de la vraye religion." That the State is rent in twain by religious differences appalled Bodin. Surely the proper course to pursue was to restrain every faction, whether Roman Catholic or Huguenot, whether Guise or Bourbon, and in order to attain that purpose inevitably the sovereign must possess undisputed authority.

The forerunner of Montesquieu, Bodin was also the successor of Aristotle and—little as he liked the idea—also of Machiavelli. The craft and the cunning of the Italian were applied on so grand a scale that it took quite two generations before fundamentally his implications were grasped. Men in some measure were quick enough to perceive that the Italian meant to employ craft and cunning, but they were at least two generations before they perceived that such employment meant a complete break with all mediaeval traditions. In fact, what Machiavelli effected was the divorce of ethics and politics. The rightness or the wrongness of a course was a matter that never crossed the brain of Machiavelli—at least in his public capacity. Even Bodin did not altogether realise the divorce which the *Principe* and the *Discorsi* effected. He never intends to accomplish wrong, yet in order to win he means to succeed wrongly. To Bodin the contrivances of Machiavelli are detestable. Still, for the welfare of the State, one must not be unduly scrupulous over trifles.

In his greatest work, his *République*, published in 1577, we receive a quiet reminder that for the success of diplomatic policy the statesman must calculate coldly the chances of the scheme in hand, and then act promptly to ensure success. He is as certain as Machiavelli that nothing is more to be



dreaded than an abortive operation. He holds before us admiringly the example of the Emperor Augustus. Q. Gallius had conspired against the Emperor, who pardoned him publicly, and had him privately killed. "Mais la plus part," remarks Bodin, "qui auoit bonne opinion de la clemence naturelle d'Auguste n'estimoit pas qu'il eust voulu en vser ainsi: et les plus fins excusoient cela." In plain English, Bodin is ready to employ any means for the end in view, and he obviously thinks with Machiavelli that the end justifies the means. To do him justice, however, we by no means think that Bodin saw clearly that ultimately Machiavelli effected as complete a breach between public and private morality as it is possible to effect, and in so effecting destroyed both. *La raison d'État* did not entirely carry the day with the French thinker. Besides, he disliked the Italian on quite different grounds. Modern as his outlook was in some ways, in others it was typically mediaeval. No doubt the State must be strong, but its strength must assist the good life of the nation. He must possess a theory, for he was not a Frenchman for nothing. With all his mind he revolted from the pragmatism of the *Prince*. To him political philosophy was a science as well as an art, and he could not bear the outlook of a man who took a purely practical view of it. Bodin is the last man on earth to see visions and to dream dreams. For all that, he must be able to formulate a theory, and one reason of his dislike of the Italian is that he refuses to formulate theories of any kind whatsoever. The contrivances of his crafty and his cunning mind are all he has to offer, and Bodin spurns the offer.

Machiavelli could have written his two important books at any time. Bodin could not have written the *République* much before the closing quarter of the sixteenth century. So long as the Holy Roman Empire lasted in its pride of place, it was utterly impossible to conceive of any such thing as the sovereignty of the monarch of a particular country. Stage by stage we ascend the mediaeval pyramid. At its base there are villeins, and then free men chiefly in towns. Above them stand the squires, and then the peers. Above these are the kings, and above them all at the apex

of the pyramid stands the Holy Roman Emperor. In this rough manner we may conceive mediaeval society. In 1348 this pyramid received an earthquake shock, and from the effects of it there was no real recovery. True, it took time to reveal the fissures in the fragments of the stones. Time undoubtedly revealed them, and revealed them increasingly. What the Black Death had begun, the labours of Copernicus and of Columbus completed. Very slowly men like Pierre Du Bois perceived that the Holy Roman Empire was in a position of unstable equilibrium. His plan, however, was simply to substitute a Holy French Empire for the Holy Roman Empire. It was reserved for Bodin to point out that the days of universal empires, whether Roman or French, had altogether passed away. The day of nascent nationalism had arrived, and with its arrival it was high time to devise a theory of sovereignty. To this task Bodin addresses himself in his *République*, and it constitutes his most permanent achievement.

Much in the thought of Bodin is taken from Plato, the god of the Renaissance. From the Greek the Frenchman takes the idea that religion forms the social cement; that the end of polity is neither happiness nor well-being, but the good life of the citizens; and that atheists ought to be convinced, not punished. Both men think alike on the nature of punishment; the inequality of the law in different cases; the tendency of absolute equality towards the creation of worse inequality at the expense of merit; the tendency, on the other hand, of excessive inequality in the distribution of riches to civil convulsions; the disadvantages of democracy and the advantages of legitimate monarchy; and the danger of absolute power to the moral health of the despot. The influence of Aristotle is not nearly so perceptible except by way of repulsion. For the Stagirite undoubtedly repelled him, and yet men are influenced by way of repulsion as well as by way of attraction. As Aristotle examined one hundred and fifty-eight constitutions, so Bodin explored the whole range of European history in general and Roman history in particular.

Aristotelian influence is obvious in Bodin's view of the origin and the end of the State; of the analysis of the family

and of the distinction between the family and the State, and of the characteristics of paternal authority. Bodin's definition of the State is that it is "an aggregation of families and their common possessions, ruled by a sovereign power and by reason," and this is but a sixteenth century version of a fourth century author. The foundation of his Republic or Commonwealth is the family, a sufficiently Aristotelian conception. In it the father possesses the old Roman *patria potestas*, governing his wife just as the State governs the several families of which it is composed. During the time Bodin was composing his treatise, Buchanan was composing his *De Jure Regni apud Scotos*, and both writers take a view of the sphere of women in politics that would have met with the heartfelt approval of John Knox himself. Nor can we afford to forget that Bodin wrote in the home of the Salic Law. In the rule of reason given in his definition of the State, our author means rule in accordance with the Law of Nature. With St. Augustine, he points out that there is no distinction between a State and a robber band save in the sway of reason. In condemning communism he deserts the soaring idealism of his beloved Plato in favour of the cool sense of Aristotle. Nor can we leave to the one side the memories of the excesses of the Anabaptists in Münster, and the traditions of these left a painful impression on a man so devoted to order in the State as Bodin certainly was. He breaks with both Plato and Aristotle in his biting condemnation of slavery. We are reminded of the famous examination of slavery undertaken by Montesquieu when we read that "la servitude sera naturelle quand l'homme fort, roide, riche et ignorant, obeira au sage, discret et foible, quoy qu'il soit pource."

On the ground of the historical origin of the State, Hotman ignores the social contract theory and on the ground of its organismic origin Bodin equally ignores it. The whole of sixteenth century thought was so saturated with the contractual conception that it argues the possession of the quality of genius in both Bodin and Hotman when they see that they must thrust it to the one side. Subconsciously the former experienced to the full the teaching of Aristotle, who forced him to believe that the State was an organism. Nor did the

Stagirite win the least of his triumphs in convincing Bodin some nineteen hundred years after his death. To the Frenchman a citizen is "a free man who is subject to the sovereign power of another." Nor does this freedom mean equality. For he grants privileges to the peer that are not possessed by the bourgeois. In fact, the population of his State falls into the two classes of sovereigns and citizens. Nevertheless, these two classes are under one and the same sovereign to whom they yield obedience. Subjection to this sovereign power forms the sole test of citizenship. The recognition of this common sovereign forms the sole criterion of the State.

Bodin is entirely right in claiming that neither philosopher nor jurist has propounded a definition of sovereignty. His definition of it is that "sovereignty is the supreme power over citizens and subjects, unrestrained by the laws." Once upon a time the Holy Roman Emperor had possessed such a power of sovereignty, though of course on a limited scale. The Holy Roman Emperor has receded from the horizon of Bodin which is entirely occupied with the might of the French King. Rudolf II meant nothing to him, whereas Henry III meant everything to him. Did Rudolf II possess power over French citizens and French subjects, unrestrained by the laws? To ask this question is to answer it. Did Henry III possess power over his citizens and his subjects, unrestrained by the laws? Again, to ask this question is to answer it. Now it is not enough for the idea of sovereignty that its sway should be unlimited by persons; it must also be unlimited by time. That is, sovereignty must be supreme and perpetual. Were it not for the latter, the Roman dictator might claim to be a sovereign, but the limitation imposed by time debars him from using this title. Similarly the Decemvirs were not sovereigns, and for similar reasons; they were but the commissioners of the sovereign Roman people.

Neither regents nor viceroys are sovereigns, for they fall into the same category. Bodin will not, however, altogether exclude the conception of the monarch from the scientific discussion of politics. He admits that "if we construe perpetual power as that which will never have an end,

sovereignty will have no existence save in the popular and the aristocratic State; since the people (only) is immortal, unless, indeed, it be utterly exterminated." The life tenure of supreme power, accordingly, constitutes sovereignty in an individual. The people may bestow this sovereignty on an individual or may transfer it from one individual to another. Like Burke, he passes by the origin of the supreme power, omitting to account philosophically for the possession of that which he holds may be transferred.

The essence of majestas is to be found in the words *legibus soluta*. The main function of the sovereign is to enact laws. Obviously the enactor of these laws stands above them. For if he does not, he is not really sovereign. The sovereign is, in fact, the person who issues commands and over whom none has the power of issuing commands to him. Not that our thinker admits for a single moment that this final person is above all laws. Clearly, "if we should define sovereignty as a power *legibus omnibus solutam* no prince could be found to have sovereign rights; for all are bound by divine law, by the law of nature and by that common law of nations which has its source in these." True, the king is bound by the laws of God, of nature, and of nations. No mortal can, however, call him to account for violating any or all of these laws. His only judge is God, who alone can enforce obedience to these laws.

Over the ordinary law of the land the sovereign can exert any power he pleases. Is not his will the ultimate source of its every command? Is not his will free? Bodin of set purpose lays down the proposition that no statute, whether enacted by the monarch or by his predecessor, survives a duly signified change of will on the part of the holder of the sovereign authority. This proposition is fundamental, though no doubt modifications of it may be introduced. It is noticeable that these modifications always bring us back to the law of God or the law of nature. Bodin freely admits that the prince, like the private citizen, is bound by the principles of natural law. Take a question such as this: Is the prince bound to observe the laws of his fathers if he has sworn to do so? "No" is the answer if the prince has simply sworn with himself. On the other hand, "yes" is the

answer if another prince has an interest in this obligation, or if it is undertaken towards the subjects as a condition of reigning. Much as he ignores the social contract theory, he cannot altogether shake himself absolutely free from it. Just as a clergyman is a fool who quarrels with his parishioners, so is the prince. We learn accordingly that "well-informed princes do not allow themselves to come under the obligation of an oath where matters of legislation are concerned, lest they should not enjoy the supreme power in the State."

When a deputy of the Third Estate at the Estates of Blois, he had concerned himself with the royal demesne. Then he had maintained that "le roi n'était que simple usager du domaine. . . . Quant au fonds et propriété dudit domaine, il appartenait au peuple." How sincerely he held this view is evident in his *Commonwealth*, when he provides instance after instance of the French kings submitting their disputes about property to their own courts. Of course he would work out the difference between the king in his private capacity and in his public capacity. In his former capacity he is as much under the laws as any of his subjects, whereas in the latter he rises sheerly above the authority of the laws of the realm. For at bottom they are really his own laws. How can he be bound by what he creates? At the same time the omnipotence of the prince is simply imperium, not dominatus. Bodin sets out in theory what Frederick the Great acted upon in practice, and that is that without just cause the sovereign cannot seize or grant away the private property of anyone.

The despot, even the benevolent despot, must not think himself exempt from the sanctions imposed by the law of God and by the law of nature. Indeed, on this basis we ascertain the method by which we may distinguish the king from the tyrant. The true king obeys the laws of God and of nature just as his subjects obey him. The tyrant refuses to yield such obedience to these two sets of laws. Nevertheless, Bodin acknowledges—he is bound, on his own principles, so to acknowledge—that the true king and the tyrant are both sovereign. Sovereignty is essentially a political fact, consisting only in the possession and in the exercise of supreme power. The distinction between

true royalty and tyranny rests on a moral basis. Now the question here is, Does the monarch care or does he not care to advance the weal of his subjects?

*Leges divinae, naturae et gentium* are always present to control the might even of the sovereign. *Lex* with Bodin is simply the command of the sovereign. *Jus* always bears an ethical import. Sometimes it seems as if this *jus* was related to natural laws, and yet sometimes it seems as if we were in contact with laws that we must somehow regard as fundamental. We glean that in some fashion there are some laws which even the man invested with supreme power cannot touch. "But so far as concerns the laws of the empire (*leges imperii*), since they are connected with sovereignty itself, princes can neither abrogate nor derogate them. Of this class is the Salic Law, the firmest foundation of the kingdom." Obviously such laws must have an author. Who is he? How does he contrive to bind the prince? Is it through the agency of the laws of nature? Do they take their origin from the people, in whose collective life our author sees the only possibility of a perpetual sovereignty? The answer to this question is undoubtedly no, for Bodin had as little faith in the populace as Calvin himself. Is their origin to be found in custom? May we assume that what the sovereign permits he commands? Not so, for custom has no sanction, and sanction is of the very essence of the law. Both law and custom, in his judgment, depend on the will of the sovereign. Instinctively, Bodin feels the necessity for some fundamentals beyond the reach of change, even by the sovereign. He taught us so much about the conception of sovereignty that it is not altogether surprising if there is a weakness in his main idea. The amazing matter is that he has worked it out so thoroughly.

The second mark of sovereignty is the declaration of war or the negotiations for peace. Are generals in the field invested with sovereign power? By no means. Their power is simply delegated to them by the monarch.

The third mark is the right of instituting the principal officers of the kingdom. If the Law Courts, the local Estates, and the like appoint officials, they invariably do so subject to the confirmation on the part of the sovereign.

The fourth mark "c'est a savoir le dernier ressort qui a toujours été l'un des principaux droits de la souveraineté." Here we come across the people. Is the tyrannicide advocated by Beza, the Leaguers, and the Jesuits permissible? Yes, it is quite permissible in theory. In practice we ascertain that tyrannicide is out of the question, for the self-evident reason that as the king of France is legally absolute, he cannot possibly be termed a tyrant. If the prince allows his subject or his vassal to usurp his own power, clearly such a subject or vassal is the true sovereign. In the considered judgment of Bodin, it is in the highest degree imprudent to allow a subject to attain such a commanding position.

The fifth and last mark is the power to grant pardon. Unquestionably there are many other rights to be exercised by the being invested with supreme power. There is the right of coinage, the right of the imposition of taxation, and the like. At bottom, however, they are all included in the five marks so elaborately analysed. As for all other privileges of the monarch, are they not written in the life and deeds of such a monarch as Henry III of France?

On the forms of the State Bodin bestows attention. We meet with the old Aristotelian classification of monarchy, aristocracy and democracy. With eager scrutiny he points out that the essential character of the State is not quite the same thing as the principle of government. For the State may be monarchic, while the government is aristocratic or democratic. An aristocratic State may be popular in its methods of ruling. Machiavelli determined to separate ethics and politics and to join State and government. Bodin is equally determined to join ethics and politics and to separate State and government, a capital distinction which he makes with his usual acumen.

On its appearance the *République* found no lack of appreciation. Men noted in it the growing sense of naturalism in political theory, and they also noted in it the notion that expediency is triumphant in politics. Publicists like Paruta and Loyseau noted in it the element that political thought just then most urgently required. No doubt such theologians of the League as Possevin and



Guillaume Roze attacked it with all the virulence at their command. On the other hand, Montaigne bestowed on it his considered approval, which was emphatically endorsed by Grotius and Hobbes, Filmer and Pufendorf. The history of the seventeenth century centres around that problem of sovereignty that Bodin was the first to state with any measure of preciseness.

Samuel Pufendorf (1632-94) forms in after years a connecting link between the theory of Bodin, which came to Pufendorf through Hobbes, and that of Grotius. Hobbes was one day to give forth his conception of an absolute and unethical sovereign, and this Grotius was to turn into a limited and ethical one. Hobbes employed quotations from the Bible and Grotius employed quotations from the classics, and Pufendorf eschewed both. His basis was the basis of natural law that meant so much to Bodin, Grotius and Hobbes. In fact, Pufendorf is valuable for his representativeness, not for his quality.

Bodin securely laid the foundation of national sovereignty, and Hugo Grotius (1583-1643) no less securely laid the foundation of international sovereignty. If the last half of the sixteenth century testified to the enormous range of the knowledge of Bacon, the first half of the seventeenth century no less unmistakably testified to the enormous range of knowledge of Grotius. Orator, poet, critical scholar, philologist, antiquary, historian, theologian, diplomatist, practising lawyer, jurist, statesman, the most copious of letter writers, a man of action living in stormy times and in trying situations, and exposed to many perils, the hero of not a few romantic incidents—he must be approached from many sides if we are to grasp his position in history and among his own contemporaries. It is significant that the men who recognised his genius as a boy remained his admirers to the very end. In this category are Casaubon, Barlaeus, Badius, de Thou, Gillot, Dousa, Lipsius, Meursius, Pontanus, Scaliger, Vossius, who all acclaimed the many-sidedness of his range of learning. The unfailing, irresistible charm of his manner and conversation is as evident as his fame. The scholars of his time were generally quarrelsome and truculent. Polemics were bitterer then than they have

been ever since. In all the outstanding controversies, Grotius proved conspicuously active. In spite of it all, he won the respect and even the affection of many of his adversaries. Few men have tried more and failed less. He had many rude buffets from fortune, but they did not cast him down.

In an address to him by Vossius the poems of Grotius are first named as his title to fame. His elegies are likened to those of Tibullus, his tragedies to Seneca's. As an historian he is hailed as the rival of Tacitus and Livy. There are many eulogistic references to his theological treatises. He is thanked for scattering "the clouds of Socinianism." He is greeted as the acceptable priest of Themis, and as solving the dark enigmas of the law, and the debt which Holland owes him as the champion of the freedom of the seas is admitted. Had his title to lasting fame been discussed a century after his death, it is probable that nine out of ten of his admirers would have spoken of him as a great Christian apologist, and would have named his *De Veritate Religionis Christianae* rather than his *De Jure Belli ac Pacis* as his chief service to mankind. "Melior post aspera fata exurgo" was the motto of his life, a motto which may perhaps hold good of the science of international law which more than anyone else he helped to create.

In the background of all mediaeval thought we are always conscious of the sway of *jus naturale* and *jus gentium*. Civilians and canonists alike introduce them to our notice. Neither the mediaevalists who were influenced by the teaching of St. Augustine nor the imperialists stood aloof from such conceptions. The Spanish moral theologians of the sixteenth century continued these noble traditions, and accordingly we have men of the calibre of Franciscus a Victoria (1480-1549) and Fernando Vasquez (1509-66) taking a lively interest in the evolution of international law. In his *Relectiones*, published in 1557, Victoria decides that the Indians were veritable owners, private and public, of lands and goods before the landing of Columbus. Arguing against Wyclif's doctrine that ownership is founded in grace, Victoria comes to the conclusion of the Council of Constance, which decreed that "mortal sin does not impede

civil and veritable dominion." Quoting St. Thomas Aquinas and the examples of Pharaoh and Sennacherib from the Scriptures, he shows that there is a plain recognition of the kingship of infidels. Clearly he rejects the claim of the Papacy to be *Orbis Dominus* in things temporal, or to have a temporal jurisdiction above all princes. Nor is the Emperor lord of all the world. By the *jus divinum* and by the *jus humanum* the Emperors can lay claim to no such lordship. The *jus naturale* confers upon the Spaniards the right of journeying to and remaining among the Indians. Victoria concedes that the Spaniards may wage war upon the natives if they deprive the newcomers of their natural rights. Generally speaking, Vasquez agrees with the conclusions of Victoria. He lays stress on a composite *jus gentium* or *jus naturale et gentium* as governing the relations of princes and peoples inter se, and he leads the way in the crusade for *Mare liberum*.

Suarez published his *De Legibus ac Deo Legislatore* in 1612, and in it he puts the problem of international law so cogently that we quote it: "The human race, however divided into various peoples and kingdoms, has always not only its unity as a species, but also a certain moral and quasi-political unity, pointed out by the natural precept of mutual love and piety which extends to all, even to foreigners of any nation. Wherefore although every perfect state, whether a republic or a kingdom, is in itself a perfect community composed of its own members, still each such state, viewed in relation to the human race, is in some measure a member of that universal unity. For those communities are never singly so self-sufficing but that they stand in need of some mutual aid, society and communion, sometimes for the improvement of their condition and their greater commodity, but sometimes also for their moral necessity and need, as appears by experience. For that reason they are in need of some law by which they may be directed and rightly ordered in that kind of communion and society. And although this is to a great extent supplied by natural reason, yet it is not sufficiently and immediately for all purposes, and therefore it has been possible for particular laws to be introduced by the practice of these same nations.

For just as custom introduces law in a state or province, so it was possible for laws to be introduced in the whole human race by the habitual conduct of nations. And that all the more because the points which belong to this law are few, and approach very nearly to natural law, and being easily deduced from it are useful and agreeable to nature, so that although this law cannot be plainly deduced as being altogether necessary in itself to laudable conduct, still it is very suitable to nature and such as all may accept for its own sake."

The labours of all these men were entered into by Balthazar Ayala, Albericus Gentilis, and Hugo Grotius. The first (1548-84) was Judge Advocate of the Spanish Army in the Netherlands, and he dedicated in 1581 his *De Jure et officiis bellicis et disciplina militari* to Alexander of Parma. In his preface, Ayala declares his intention of combating the common opinion that war is incompatible with law, and that to seek to reduce its practice to a rule of justice is as though we should seek to reason with madness. Like his contemporaries, he adopts the usual view of a natural law to which general consent added the *jus gentium*. With him the legal effects of war turn on its being *justum bellum*, and this again depends on the war being carried on by princes having no superior, an early example of the teaching of Bodin's *République*. To Ayala it is obviously unfitting to discuss the equity of what is done by the sovereign prince.

In touch with public affairs, Albericus Gentilis (1552-1608) sent forth in 1588 his *De Jure Belli libri tres*, and we summarise its trend as Westlake taught us. Gentilis holds that the proper foundation to build on is natural reason, the consent of all nations (the terms are treated as convertible). *All nations?* Well, no; that is the way Donellus presses definitions, but do not let him mislead you, for the consequence is that he has to give the definitions up. And the Roman lawyers did not know nearly all the world, and the unknown must be judged by the known. Besides, if all do not agree, the major part must govern, just as with individuals in a state. And then, too, natural reason is plain in itself. It is enough to say, "Nature teaches us,"

for you know there are things that are only made darker by trying to prove them. We shall quote great authors, as in other arts and sciences, and the doings of great and good men, and Roman law, and the Bible. Go to the mathematicians for proofs; the nature of my subject only admits of persuasion. "Come, then; there is no lack of matter to ground our decisions upon, so let us begin." His book, in accordance with this, is worked out with singular completeness. In the course of it he lays down the proposition that disputes between sovereigns can only be settled by discussion or by force. A sovereign has no judge; he is not a sovereign over whom another exercises authority. On the grounds that religion is a matter between God and the individual, and that no man is wronged by the faith of another, Gentilis holds that there ought to be no war on behalf of religion. In the spirit of Duplessis-Mornay he shows that by nature all men are kin, and that there is no natural discord between man and man. On the other hand, war is unnatural. Unlike Machiavelli, Gentilis disapproves of verbal trickery in negotiations. He is a learned man, and he is a practical man. He is learned, for he knows such authorities as Augustine and Aquinas, Bartolus and Baldus. He is practical, for he discusses matters with the air of one who has long mixed in the world of diplomacy.

With a thousand facets to his mind, it is worth noting that the interest of Grotius in international law was aroused by the hostilities in the straits of Malacca between the Dutch East India Company and the Portuguese, and by the scruples of conscience which led the Mennonites and others in Holland to refuse their share of the spoil. Grotius, then only in his twenty-second year, vindicated the Company and its right to the spoil in a treatise *De Jure Praedae*, which contains the germ of his great book, but was never printed in full till 1868. In 1609, when Spain was proposing to Holland terms which included the abandonment by the republic of the commerce of the Indies, he published the twelfth chapter of the *De Jure Praedae* under the title of *Mare Liberum*. The title indicates the purpose of the book, which was to challenge the Spanish monopoly of Eastern trade and navigation. In order to maintain the sovereignty

of England over the narrow seas, Selden published the equally famous *Mare Clausum*. Grotius lays it down that it is lawful for any one people to visit and trade with any other. This principle, he declares, agrees with the purpose of God, which is revealed by different natural endowments and consequent mutual needs of various peoples. Do not the winds blowing in changing directions teach the same lesson? Besides, the jurists recognise this principle, for they deny the possession by princes of the power to forbid all intercourse with their subjects. Even the poets—Grotius was himself a poet of no mean distinction—denounce lack of hospitality. Neither mere discovery nor a papal grant is sufficient to confer a valid title. Moreover, things which cannot be occupied cannot form the subjects of proprietorship. Into this category fall both the air and the ocean.

The wars of the Low Countries are, we think, unparalleled for relentless savagery and unbridled brutality. It is enough to recall to the reader Alva and his devilries. Though Grotius began his masterpiece, *De Jure Belli ac Pacis*, in 1604, it did not appear till 1625. The title of his book he took from Cicero's *Oratio pro Balbo*, where a summary of all the subjects of the Law of Nations concludes with the words, "universum denique belli jus ac pacis." The Thirty Years' War had only run six years of its course, and the sack of Magdeburg still lay in the womb of time. Sufficient horrors had happened to induce men to ask whether some restraining principle might not be found. Grotius, in his prolegomena, and, indeed, in his letters, tells us that sorrow and indignation moved him to write. "I saw prevailing," he tells us, "throughout the Christian world a licence in making war of which even barbarous nations would have been ashamed; recourse being had to arms for slight reasons or no reason; and when arms were once taken up, all reverence for divine and human law was thrown away, just as if men were thenceforth authorised to commit all crimes without restraint." The sight of these atrocities, as he informs us, had led many estimable men to declare arms forbidden to Christians; but for his own part he took the more practical and moderate view to provide a remedy for both disorders," both for thinking that nothing

(relating to war) is allowable, and that everything is." He felt to some extent prepared for such a task, as he conceived, by having previously practised jurisprudence in his own country, from which he had been "unworthily ejected"; and he hoped now in exile in France to promote the same science by further diligent effort. He claims that none of his predecessors had treated the subject scientifically, and contends that the only way to do so successfully is by separating Instituted from Natural law. "For Natural Law," he observes, "as being always the same, can be easily collected into an Art; but that which depends upon institution, since it is often changed, and is different in different places, is out of the domain of Art." Special books had, indeed, been previously written concerning the laws of war, but their authors, he complains, had mingled and confounded natural law, divine law, the law of nations, civil law, and canon law.

Grotius analyses the term right (*jus*) into a threefold meaning. *Jus* means that which is just. It also means a faculty (a right) if it is perfect; if it is imperfect it means an aptitude (a capacity of right). Aptitude represents the Aristotelian worth or fitness. Rights strictly so-called belong to Expletive, attributes to Attributive, Justice. *Jus* means, in the third place, a rule of moral action (*lex*), and in this sense approaches the *jus naturale*. The second of these meanings calls for attention. For Grotius makes much of the ancient distinction between expletive and distributive justice, *justitia expletrix* and *justitia attributrix*. Westlake explains that expletive justice redresses wrongs, and the right of the party who invokes it is called in Latin *facultas*. Property and law are born together, and a man enjoys his property simply because the law protects him in his enjoyment. Within the State courts of justice administer this law. To Grotius, as to the Greeks, law ought not to be arbitrary. What is its origin? It comes from custom, which is international, and from the legislature, which is national. Whether the law originates in custom or in the legislature, it aims at distributive justice, which takes into account all the claims of the case. Grotius terms such exercise of distributive justice on behalf of anyone who has

a law framed in his favour in Latin *aptitudo*. By means of this law he enjoys a legal right or *facultas* under expletive justice against all who infringe it. Until this stage within the State has been reached, the claim is rather moral than legal, since there is something wanting in the power to enforce it.

Outside the State the position is different. Grotius held that anyone might then secure right for himself to the extent of distributive justice operating as natural law, so that in these circumstances and to that extent the distinction he made between legal and moral rights disappeared. The measure of expletive justice is to him definite, namely, that of the wrong to be redressed. The measure of distributive justice is indefinite, varying with circumstances. The truth is that distributive justice recognises moral considerations, and these obviously are incapable of the quality of definiteness. As some men do not habitually recognise the moral duty imposed on them by conscience, the State steps in. For example, the State allows a bankrupt to obtain a discharge of his liabilities when he can urge mitigating circumstances. If the lord of the manor exercises his rights unfairly, the State restricts them. In both these instances the State exercises distributive justice.

An analysis of some of the Grotian distinctions is necessary in order that the reader may form a notion of what a famous book is like. Take such a statement as that the supreme power only can begin a public war. What is the supreme power? This at once brings us to a survey of the marks of sovereignty that reminds us of Bodin. We learn that the power is supreme whose acts are not so subject to another's right that they are liable to be made void by the operation of any other human will. Does the supreme power reside everywhere and without exception in the people? Most certainly not. A people may choose what form of government it deems best, and in the exercise of this right it may resign all power of self-government. Does not history, sacred and profane, clearly testify that there may be kings who are not subject to the will of the people, even when collectively assembled? It is not true that all government



exists for the sake of the governed. Nor is it correct to say that people and kings are mutually subject, and that the conditions of subjection are good rule.

With the ground thus cleared, Grotius administers cautions to any seeking to determine in whom the sovereign power resides. (1) Names or external appearances form no certain test. The military chiefs of the Spartans, when they were in subjection to the ephors, were still styled kings. On the other hand, when the Roman emperors had openly assumed regal power they were still styled princes. (2) Sovereignty and the manner of holding it are quite different matters. A Roman dictator possessed supreme power, but was his office perpetual? Nor can we stop with the notion of perpetuity. For some supreme governments are held in patrimonial right, with the full power of alienation; other supreme governments are inalienable; many governments which are not supreme are held by the fullest freely alienable title. (3) Sovereignty does not cease to be, because he who holds it promises something to his subjects or to God, even though that something belong to the very fundamentals of government. For instance, the Persian king was adored as the image of God, yet could not change laws passed in a particular form. (4) Sovereignty, although one and per se undivided, may be divided, whether by parts potential or parts subjective. The Roman Empire was one, although a Western and an Eastern Emperor ruled. Grotius defines sovereignty as supreme political power, meaning by political power the "moral faculty of governing a State." The holder of sovereignty is the State generally, but particularly the holder is one or more persons designated by the law or custom of the people. It is with this particular sense that Grotius mainly concerns himself.

Clearly the Sovereign is all-powerful within his State. The question, however, is, What is his relations to other States? The legislature can take no part. Customary law can have a part. Grotius is concerned to discover something behind this customary law partaking of the universal order. For there are as many customs as there are nations. He seeks for something immutable, something catholic, and this he finds in natural law. In spite of the

absence of law courts and of their sanctions, is there not natural justice imperiously clamouring for the obedience of all, no matter to what sovereignty they owe allegiance? Grotius has shown that distributive justice exists in individuals as in States. The question of sovereignty comes to connect itself with all the rights on which the social order depends, and among these rights we have the family, property, the right of defence, and the right of punishment. Is not one of the privileges of sovereignty that of the declaration of war? Now war, if it is legitimate, takes for granted the duty of preventing evil and the right of repressing it. Such a natural right readily becomes part and parcel of the *jus gentium*.

The conception of the power of the sovereign and the conception of expletive and distributive justice are matters to which Grotius often recurs. He draws our attention to two kinds of law, that which enforces expletive justice, which he classes *jus aequatorium*, because it restores the party to a position equal to that in which he was before he suffered the wrong, and that which dispenses with distributive justice or at least is supposed to do so, which he calls *jus rectorium*, because by conferring legal rights it governs. The latter kind of law may either be that of nature, which at least outside the State is sufficient of itself to confer rights, or to be imposed by some will (*jus voluntarium*); but once rights have been conferred, it is but natural that their violation should be redressed, and hence *jus aequatorium* is a branch of natural law. In his *De Jure Praedae* Grotius, like Ulpian, had considered natural law as common to man and animals. In his *De Jure Belli ac Pacis* he rejects his early view. The *jus voluntarium* falls into divine and human law. Human law in turn falls into that of the State (*civile*) and that of nations (*gentium*). In spite of the usage of the Roman jurists, Grotius excludes all institutions of the *jus civile* from the *jus gentium*, even when these institutions are common to States. The Grotian *jus gentium* only comprises institutions prevailing between States. In these institutions he recognises the will of society as having the force of obligation within the limits set by reason. This *jus gentium* he subdivides into what

is truly and entirely law, and that which only produces a certain effect like that of the primitive law. Of these two sub-divisions the former is identical in substance with the law of nature, the classification only differing according as nature or the will of society is considered as the source of its authority. The latter rests merely on the will of society, and includes laws good and bad, among others the evil laws of war against which Grotius protests manfully.

We are now in a position to apply his teaching to the dealings of States with one another. Grotius perceives the existence of certain institutions among all men, or at least among all who live in our international world. These institutions are consonant with reason as applied to the conditions of man's existence in that world. It is quite probable that the annals of early history and our knowledge of prehistoric times will not allow us to trace the origin of these institutions to a conscious exercise of distributive justice. Nevertheless, these institutions are examples of distributive justice. Among these he reckons property, with binding contract as its necessary adjunct, the redress by expletive justice of wrongs done to property and the faith of contracts, and, Grotius adds, the moderate punishment of the wrongdoer. Clearly these are all parts of the law of nature. States assume the existence of this law of nature as between their members. They also assume it as against outsiders. What happens, as between States, where there is no power supreme over both parties who have a difference? Under these circumstances, each must and may protect with his own strong hand what he conscientiously believes to be his natural rights. Will Grotius allow us to inflict punishment on the wrongdoer? Of course he will, for otherwise it means the abandonment of the law of nature. It also means the reception of customary law without discriminating between what is just and unjust in it.

"*Ita scriptum est*" formed the proper invocation of the mediaeval world, and accordingly Grotius proceeds to strengthen his position by the invocation of authorities of all ages and countries. These authorities, he claims, testify to the existence of natural law. When he deems he has sufficiently established the position of natural law, he

proceeds to put side by side with it a principle which falls under the divine branch of law imposed by some will (*ius voluntarium divinum*). It appears in the *De Jure Belli ac Pacis* under a great variety of names. Sometimes it is the law of charity, or the love of one's neighbour (*proximi caritas*) "especially as enjoined by the Christian law." The natural rule is that you may do to your enemy whatever is necessary to attain the end of a just war, but this Christian principle forbids you to inflict more injury upon your enemy than is likely to be amply compensated by the good you expect. In that form it approaches closely to the greatest happiness of the greatest number, the doctrine of Bentham. Nor do we feel any surprise at finding this, for the views of the French school of Calvin's disciples approximated closely to the utilitarian doctrine. At other times Grotius calls his principle modesty (*pudor*), or equity and human kindness (*aequitas et bonitas*), restraining us from insisting on the pound of flesh that the law of nature would give us. Sometimes what this modifying principle enjoins is said to be a thing which ought to be done on moral grounds (*ex morali ratione faciendum*) as opposed to a debt of justice.

Repeatedly Grotius stops to contrast the principle, with all its varying forms, and the true natural law, the *jus stricte dictum*. Roughly, he regards the principle as that regulating the conduct of the individual. True natural law regulates the conduct of States. While the individual demands from himself the higher standard of the principle, from others he simply demands the adoption of true natural law. Strict natural law is the final measurement of no man's duty; it is the measure of the conduct he is entitled to require from others. For our own part, Grotius thinks, we are bound to pay the debts of justice and to do all that morality further demands. Are we entitled to demand this standard from others? By no means. Are we entitled to demand from them obedience to *jus stricte dictum*? By all means. If they fail us in this case, we are undoubtedly entitled to wage a just war. The laws of nature are always binding in *foro interno*; you are always bound to desire that they should come into operation; but they are not always binding in *foro externo*. Practically, we come, in another

form, to Machiavelli's conclusion that private and public morality belong to two different departments. For instance, if a State goes beyond the limits of hostile pressure which natural law and Christian charity would impose, Grotius does not allow that a third party may interfere to enforce the observance of those limits or to avenge their non-observance.

The publication of the masterpiece of Grotius marked an era in the life of States inter se. The labours of jurists and theologians, of moralists and political philosophers, of poets and historians of every generation he gathered into a tolerably consistent whole. He made no original contribution to international law. Yet, as Pascal points out, "Qu'on ne dit pas je n'ai rien dit de nouveau: la disposition des matières est nouvelle." For originality lies as much in perception of opportunity or fresh disposition of material as in invention. Edition after edition of the *De Jure Belli ac Pacis* poured forth from the press, meeting with a ready welcome. Statesmen as well as scholars read it eagerly. Gustavus Adolphus carried it with him as his constant camp companion. "If gold and silver could contribute aught to the redemption of such a glorious life," wrote the strange Christina, daughter of the Swedish King, to Grotius's widow, on the death of her husband, "I would gladly employ all in my possession for that result." Samuel Pufendorf won the favour of Charles Lewis, the Elector Palatine, by his studies on the labours of Grotius, with the result that Pufendorf received in 1661 a call to the newly-founded chair of Natural Law in the University of Heidelberg. Within sixteen years of the death of the great Dutchman jus naturae et gentium had won a place side by side with the code of Justinian as a subject of systematic University study. Though by no means prejudiced in favour of Grotius, Richelieu considered him one of the three foremost scholars of his age, the other two being Salmasius and Jerome Bignon. The latter, distinguished as Advocate-General, declared that Grotius was the most learned man the world had known since Aristotle. When the book appeared in Paris, Cardinal Francis Barberin, who was residing there as legate from his uncle, Urban VIII, read it.

Pleased as he was with it, yet it shocked him because it did not refer to the Popes by their Roman Catholic titles. At Rome it received censure on the same grounds, and on February 4th, 1627 it was placed on the Papal Index Expurgatorius, and all Roman Catholics were forbidden to read it and the author's Apology and Poems. Responding to the weight of public opinion, in 1901 Leo XIII at last removed this ban.

It is three hundred years since the *De Jure Belli ac Pacis* appeared, and the events of the World War suggest that the Rule of Law has not altogether displaced the Law of Force. In spite of a war that recalls the horrors of the Thirty Years' War, it is not true, thanks to the labours of men like Grotius, to hold that a law is not a law unless there is invariably a sanction behind it. The whole history of customary law, and the growth of international law, of rules of conduct as between nations, is in reality the upgrowth of a system of customary law which has sprung, as all law has sprung, from the moral implications of human life. It is the law that creates the sanction, not the sanction the law. In the case of the upgrowth of municipal law it has been, we think, invariably the case that customary law has, through stress and storm and struggle, found for itself a sanction. It is true that international law, after the lapse of three hundred years, has not yet been assimilated in its measure of effectiveness to the happy position occupied by municipal law. But it is passing, and it is to-day passing very rapidly, through the stages that municipal law passed through very slowly before it reached the legislative stage. No better evidence of this rapidity of development is needed than the establishment, as the direct result of the Treaty of Versailles, 1919, of a Permanent Court of International Justice. This Court decided, *inter alia*, a great action relating to the Kiel Canal. The issue was between nations of the first rank and was one that in the past would almost inevitably have been submitted to the arbitrament of arms.

The rate of progress is by no means slow, if one cares to observe its signs. We can, if we like, think of the Balkanisation of Europe. We can, if we like, also think of the

economic stability of the whole British Empire and of the United States of America. We can lay stress on the operative powers of the League of Nations and of the Permanent Court of International Justice. We can point to the universal reduction of naval armaments in pursuance of the Washington Conference. International law possesses a stronger authority to-day than when Germany defied it, and defied it unsuccessfully, in 1914. To affirm our belief in progress is not to say that international law has yet reached the stage of authority possessed by municipal law in this country. We fully realise that the stage has not yet been reached when international law can curb all ambitious men and prevent all grave disasters to the body politic of the family of nations. What we claim is that such a body politic, entirely in keeping with the Grotian tradition, has been formed, and is rapidly learning how to defend itself and to realise its essential unity. It must be remembered that even to-day municipal law itself is not immune, in all countries, from violence or the taint of corruption. The body politic of a national community is still subject to violence or disease, and this is still more true of the young body politic of nations. We claim, however, that there is steady progress, and that the general position and prestige of international law are now on a nobler footing than they were ten years ago.

No doubt submarine warfare and chemical warfare, as illustrated by the World War, indicate the terrible possibilities of these new instruments of war. This argument seems to us to be double-edged and one that makes for optimism as well as pessimism. It is perfectly true that statesmen—if such a name be allowed them—can, or will presently, with the assistance of science, be able to plunge the world into such a war as must involve the destruction of civilisation. A war, on the scale of the last war, must have such a result. But is not this fact, now universally recognised, the best defence against such a war, the best reason for hastening on the operative value of international law? Men, after all, are not fools. You can, in the words of Abraham Lincoln, fool some of them some of the time and some of them all of the time, but you cannot fool all

of them all the time. They see that most countries prefer to act morally rather than immorally. If this is true, are men with full warning likely to be willing to condemn the whole of their civilisation to destruction, to enter upon such a war, or upon political processes that must lead to a war, which, if it does not destroy, will at least delay human progress for many generations? So great a dread must make for optimism rather than pessimism. In this early stage of the body politic of nations the education of the peoples is, we have no doubt, necessary, and the danger-point will not be passed until the average man is taught to think both nationally and internationally, and to realise the economic and spiritual unity of the world. The year 1625 was a milestone on this road. We are still, in spite of the pessimists, travelling along it towards unity, and we decline in dark days to be pessimistic and to ignore that creative purposefulness that has hitherto attended the history of mankind. Grotius made his great appeal to the principle of international arbitration, and his appeal has not been in vain. "Maxime autem Christiani reges et civitates"—such are his words—"tenentur hanc inire viam ad arma vitanda."

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## Chapter VII.

### SOCIAL COMPACT AND OTHER THEORIES.

IF in the Middle Ages on the one hand Manegold, John of Salisbury, and Sir John Fortescue uphold the divine right of the Pope, on the other hand Dante, Du Bois, Marsiglio and Ockham uphold the divine right of the Emperor. For short of physical force there is only one method of meeting the claim of divine right, and that is to urge another divine right. Such had been the plan of the imperialists, and such proved to be the plan of the royalists. Manifestly a king like James I could not base his claim to obedience on hereditary right, but he could base it on divine right. In 1598 he set forth this basis in his *True Law of Free Monarchies*. The seed thus sown fell into soil favourable to its growth. For since the Pope had excommunicated the sovereign in 1570, every patriot felt that he must show that the King owned good or better title than the Pope, and he could only do this by holding that the King is such by divine right. The dominant feeling of the seventeenth century in England was that the gravest heresy of the Roman Catholic Church was the claim it put forth on behalf of the Papacy to hold a political supremacy over all princes and potentates. Its erroneous doctrines, its corrupt practices, were but as dust in the balance compared with its claim to use the deposing power. If the reader scans any pamphlet in defence of royal rights, he is sure, before he turns over many leaves, to see a reference to the Pope or to his supporter, the great Cardinal Bellarmine.

Sober political philosophers dreaded the power of Rome almost as much as did the people. It has been said that James II lost his throne because he believed in the Hobbeian conception of sovereignty, yet he might have pondered with advantage over the whole book of *The Leviathan*, which treats of the Kingdom of Darkness, signifying thereby the Roman Catholic communion. Sir Robert Filmer (*d.* 1653)

opens his *Patriarcha*, published in 1680, with an elaborate attack on Bellarmine's position. It was not to be borne by an Englishman that a Church should exist as a political body, claiming universal empire, and dissolving the bonds of national allegiance. Not for nothing had he imbibed the temper of Henry II. He saw the spirit of Thomas Becket in the followers of Ignatius Loyola, for no men defended the political power of the Papacy more ably than the Jesuits. Lancelot Andrewes and Bramhall, Jeremy Taylor and Jackson, denounced in their pulpits what they believed to be the evils and dishonesty of Jesuitry, but it was not from a doctrinal standpoint. No English Pascal declaims against their casuistry as does every line of the *Provincial Letters*. But they set Jesuits out as objects of public scorn as traitors against the nation, seeking to hamper its free life. Filmer, in the preface to *The Anarchy of a Mixed Monarchy*, informs us that "the main, and, indeed, the only, point of Popery is the alienating of subjects from their obedience to their Prince."

The divine right of kings finds one of its ablest exponents in Sir Robert Filmer, whose *Patriarcha* won a widespread circulation. The defence of this right might be based on such passages in the Bible as the thirteenth of Romans, or it might be based on the teaching of nature. Filmer employs both methods of defence, though leaning increasingly on the latter. It is not enough for him, as it is for not a few royalist writers, to found kingship on divine ordinance, buttressing the argument derived from Holy Writ by the consideration that kingship is natural, as the example of a family or the example of the animal world among sheep or geese readily proves. His contention is that kingship is, indeed, natural, and that accordingly God, the author of nature, ordained it. He identifies the kingdom with the family, and royal with paternal power. The influence of Bodin is apparent in the statement that kings have the power of parents, and Bodin's conception of a parent was a Roman father invested with the *patria potestas*. Yet by the irony of history the naturalistic arguments of Filmer undermined his whole position in the long run. All unconsciously he substituted a naturalistic for a theological

conception of politics, forming a strange forerunner of Locke and Rousseau.

We may take for granted that our ancestors were at least as wise as ourselves, and that accordingly they had solid reasons for believing in the divine right of kings. To them it provided a ready argument with which to meet the claims of the Papacy. It no less provided a *raison d'être* for the State. The State could not grow, so long as its very existence was threatened by the claims advocated by the Jesuits. To our ancestors the Gunpowder Plot afforded a plain proof of the danger of those claims. Filmer and his like strengthened the sense of continuity in our nation, and they were among the causes that rendered the movements of 1688 the least revolutionary in the annals of revolutions. Nor is it the least of the services of the theory of the divine right of kings that it rendered the English more law-abiding than they had been in the Middle Ages. The divinity that doth hedge a king also hedged the laws, and men felt that apart from utilitarian reasons they must obey commands that were very likely divine in their origin. To others, as well as to Hooker, "law is the breath of God; her voice the harmony of the world."

The sixteenth century had turned the social compact into a check on the power of the sovereign; it was reserved for Thomas Hobbes (1588-1679) of Malmesbury in the seventeenth to turn it into the exact reverse. His translation of Thucydides, published in 1629, warned him how much wiser one man is than a body of men, a proof that his political theory was fully formed long before the outbreak of the Civil War. Save the Greek Testament, Homer, Virgil and Xenophon, there were few books in his chamber, for he was wont to say that if he had read as much as other men, he should have known no more than other men. Words, he said in one of his pithiest aphorisms, are wise men's counters; they do but reckon with them, but they are the money of fools. After the manner of Bentham, he analyses the nature of man, putting the love of power in a high place. Power, we learn, is the ability of the individual to secure as large a share of the good things that may be going. With thorough-going materialism, he

regards men as essentially selfish and stupid, and he resolves all the forms of virtue into egoism. Similarly he resolves divine justice into power and human justice into the creature of power. "All the real good, which we call honest and morally virtuous, is that which is not repugnant to the law, civil or natural; for the law is all the right reason we have, and . . . is the infallible rule of moral goodness." Our fallibility obliges us to "set up a sovereign governor," and agree that his law shall be to us in the place of right reason. He illustrates this principle from card-playing. When men have declared trumps, "their morality consisteth in not renouncing, "that is, in observing the rules of the game; and so "in civil conversation our morality is all contained in not disobeying the laws." Man's condition, in Rousseau's state of nature, is living in a pigsty, but Hobbes's conception of this state is infinitely worse. "Homo homini lupus" is the order of the Hobbeian day.

Hobbes sets forth his political theories in the *De Corpore Politico*, the little treatise of 1640, the *De Cive* of 1642, and, above all, in the *Leviathan* of 1651. The title of the last of these works is suggested by words in the Book of Job: "Non est potestas super terram quae compareturi." They are printed at the head of a quaint allegorical title-page, where a composite giant, his body made of human beings, holds the sword in one and a crozier in the other hand, while beneath him there is a wide country with a town, a fort, and a church in the foreground, and below it are various symbols of temporal and spiritual power. The great Leviathan, he tells us, is that mortal god to which we owe, under the immortal God, our peace and defence. But he is also a machine, and we can in imagination take him to pieces.

Let us investigate the nature of the beast over whom the Leviathan rules. First of all, man is an intellectual being, deriving his knowledge from sensation. He possesses the faculty of reasoning, which is almost counterbalanced by the "privilege of absurdity" which it carries with it, "which appears in no other creature but man, and most of all in philosophers." Hobbes notes that man is moved to action, not by his intellect or reason, but by his appetites, his

desires and passions. Man is self-interested. All his springs of action aim either at self, its preservation or enlargement, or greater gratification. The first springs of action are the appetites, which concern the preservation or the pleasure of the individual. Then come the desires, which are various, but in the last analysis are resolvable into one, the love of power. He allows no disinterested quality, no quality whose aim is the direct good of another without thought of self. He leaves out of account parental and filial affection, friendship, and sociability. Benevolence to him is simply "love of power and delight in the exercise of it." Compassion is fear or "grief at the calamity of others, from the imagination that the like calamity may befall ourselves." Moreover, men are naturally equal. Men were originally equal—as well as free—because men in the main are still so, the apparent differences coming from education. "For when all is reckoned together, the difference between man and man is not so considerable as that one man should therefore claim to himself any benefit to which another may not pretend as well as he. As to strength of body, the weakest has strength enough to kill the strongest by secret machination or confederacy with others." As to faculties of mind he adds, "I find yet a greater equality amongst men than that of strength. Leaving out of count the arts founded upon words, and especially that skill of proceeding upon general rules, because they are not native faculties, men are on a tolerable equality." Of course men do not think so; but this is due to a vain conceit of their own wisdom; others they readily allow may be "more witty, eloquent, or learned, but not more wise; for they see their own wit at hand, others' at a distance." Surely the obvious practical proof of equality is that each one is so satisfied with himself and would not exchange with another, "as there is not ordinarily a greater sign of equal distribution of anything than that every man is contented with his own share."

The three principal causes of quarrel are competition, diffidence (a distrust of each other), and glory (the desire of prestige). "The first maketh men invade for gain; the second for safety; the third for reputation." When there

is no common power to overawe, there will be a "war of every man against every man." War, he explains, is not confined to actual fighting, but exists where there is a "known disposition thereto" and "no assurance to the contrary." In such a state there could be no "industry" or "culture of the earth," the fruit being uncertain; "no navigation nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man solitary, poor, nasty, brutish and short." Is this picture a travesty of human nature? Do you doubt its truth? Look, Hobbes adjures you, to actual experience. Observe then what a man even now in society does; how taking a journey he goes armed for fear of robbers, how when he sleeps he locks his doors, how in his own house he locks his chests, knowing that there are public officers to protect them. What opinion does that imply of his fellow subjects or of his own servants? "Does he not as much accuse mankind by his actions, as I do by my words?" If you scratch a Russian and find a Tartar, are there not signs of the natural man beneath the veneer of the civilised man? Have we never heard of the man who desires to be east of Aden where there are no ten commandments? The fundamental truth is that man is an egoistic being moved by his passions and desires, "which are no sin any more than the resulting actions, till they know a law that forbids them; which, till the laws be made, they cannot know."

Was there ever such a "state of nature" as that which Hobbes limns? He at once informs you that there was no such state of nature over all the world. Still, it is the condition of men till they emerge from the natural state. Witness the plight of the Red Indians of North America. Is it entirely untrue to say, even to-day, that "yet in all times kings and persons of sovereign authority, because of their independency, are in continual jealousies, and in the state and posture of gladiators; having their weapons pointing and their eyes fixed on one another—that is their

forts, garrisons, and guns upon the frontiers of their kingdoms—and continual spies upon their neighbours"? Clearly where man is at war with every man, "the notions of right and wrong, justice and injustice have no place. Where there is no common power there is no law; where no law, no injustice. Force and fraud are in war the two cardinal virtues." Justice and injustice "relate to men in society, not in solitude." In the state of nature there can be "no *mine* and *thine* distinct, but only that to every man's that he can get and for so long as he can keep it." In fact, as Wordsworth put it,

. . . the good old rule  
Sufficeth them, the simple plan,  
That they should take who have the power,  
And they should keep who can.

What Machiavelli found in diplomacy, Hobbes found in the state of nature. Both men present us with the prospect of Realpolitik as it is. As there are force and fraud in the state of negotiation, so there are force and fraud in the state of nature.

There are laws of nature, and the philosopher of Malmesbury proceeds to expound them. It is one of these laws that every man should seek peace and ensue it, and it is no less a fundamental right of nature that every man should defend himself in any shape he possibly can. In fact a man's true position is identified by Hobbes with the law of the Gospel which he states thus: "Whatsoever you require that others should do to you, that do ye to them." In spite of Aristotle, we learn that a political society is not essential to man as man. It is the product of his voluntary action. In order, however, that he may pursue a peaceable life, there is need of a common and permanent coercive power. The only method of creating this rule is that men should "confer all their power and strength upon one man or one assembly of men." Then wills will be "reduced into one will, and every man acknowledge himself to be the author of whatsoever is done by the ruler so constituted." "This is more than consent or concord; it is a real unity of them all into one and the same person, made by covenant of every man with every man; in such manner as if every man



should say to every man: 'I authorise and give up my right of governing myself to this man, or this assembly of men, on this condition that thou give up thy right to him, and authorise all his actions in like manner.' " The Leviathan, the mortal god, at last stands before us armed with both sword and crozier.

In the first place, the creator of the Leviathan is the social compact; the Leviathan is no party to it. Once he is created, thereafter the covenanters lose all power. This act of creation is fundamental, going to the root of everything. Can there be another pact? Assuredly not, for, without the consent of the sovereign, there cannot be another agreement, as the earlier agreement renders all others null and void. How far we have travelled from the conceptions of Beza, Hotman and Mornay is astoundingly clear when we state that Hobbes, in virtue of his sovereign, does not allow subjects to disobey the Leviathan, no matter how tyrannically he acts.

In the second place, there are no conditions, explicit or implicit, imposed on the sovereign. Obviously, the sovereign power must be unlimited. For consider the outcome. If the sovereign is subject to the commands of any other, that other is the sovereign. Neither the constitution nor any fundamental laws in it can tie the hands of the Leviathan. The sovereign cannot covenant with his people, because the sovereign is the people, bears their person, is their selected and authorised agent, whose acts are consequently their acts (according to the maxim, whosoever acts through an agent acts through himself). With Bodin, however, Hobbes allows that the laws of nature stand in the background, imposing a sort of check on the deeds of the Leviathan. He admits that since I aim at my own security, I cannot lay down the right of resisting men who would kill me, or even men "who would inflict wounds or imprisonment." Hobbes was not the stuff out of which men make martyrs, and he adds that a man may refuse to serve as a soldier, at least if he can offer a substitute. "And," he remarks, "there is allowance to be made for natural timorousness, not only to women, of whom no dangerous duty is expected, but also to men of feminine

courage." (They may have been born in 1586.) Still such cases do not "frustrate the end for which sovereignty was ordained." The mortal god is omnipotent. The covenant once made is irrevocable.

In the third place, minorities must concur in the voice of the majority, accept the Leviathan appointed, or "be justly destroyed."

Fourthly, the sovereign instituted can do no injury to his subjects, because whatsoever he does is by the authority of the subjects. As proof of this position, take the legal maxim that the king can do no wrong. This amounts to this fourth position, for he has been authorised to do what seems good to him, and authorised, moreover, by the supposed injured person, who is thus the author of the supposed injury. In fact, the sovereign may commit iniquity, but not injustice. That is, he may violate the laws of nature and reason, but he cannot act contrary to the law, since he himself is the source of the law. No law, civil or constitutional, no fundamentals, can ever be pleaded against the will of the sovereign, since *rex is lex*, but only the law of nature, and the law of God which agrees with the law of nature.

Fifthly, if the sovereign be an individual, he cannot justly be punished in any wise by his subjects, still less put to death; because to punish the sovereign for actions authorised by the subjects is unjust and cruel.

Sixthly, it belongs to the sovereign to judge what speech or writings shall be permitted, inasmuch as men are moved by their opinions, and therefore to govern men well their opinions must be governed. Of course truth ought to be regarded, but doctrine repugnant to peace and concord that provokes rebellion and civil war cannot be true. Some of the *Leviathan* had appeared in 1642, leaving then no great impression. The substance of it appeared afresh in 1651, just when the battle of Worcester had settled decisively the Civil War against the royalists.

Seventhly, it belongs to the sovereign power to make laws respecting property, which does not exist in the state of nature, and which is a creation of the sovereign, as also laws regarding the acts a man may or may not do.

Eighthly, to this power belong the right of making peace or war, of levying the necessary expenses, the right to the supreme command of the militia, or armed force of the State, "because the command of the militia alone makes him that hath it the sovereign."

These are the marks by which one may discern the Leviathan, and these marks are incommunicable to other hands, and they are inseparable. These attributes form le tout ensemble. If the sovereign parts with the command of the judicature, of what use is the command of the militia? If he parts with the power of the purse, of what use is the command of the militia? If he surrenders the censorship of the press and of books, "men will be frightened into rebellion with the fear of spirits." For will not some bold speculators teach sedition and incite to rebellion?

The contention of the philosopher of Malmesbury is that in every form of government, monarchic, aristocratic, or democratic, there must be a sovereign—an ultimate, supreme and single authority. The view he cannot abide is that of a mixed government. He allows that "in the Kingdom of God there may be three persons independent without breach of unity in God that reigneth; but where men reign that be subject to diversity of opinions, it cannot be so. And therefore if the king bear the person of the people, the general assembly bear the person of the people, and another assembly bear the person of a part of the people, they are not one sovereign, but three persons and three sovereigns." Political power forms an organism, protests Hobbes, and it forms therefore a unit. If there is not somewhere a supreme authority, there is anarchy or the possibility of anarchy. Apply this idea of sovereign power to the author's day. Charles I is obviously sovereign, and, in spite of Hampden, he can impose ship-money. What is the outcome? In 1649 Cromwell is a despot provided with all the powers Hobbes allotted to the sovereign. The experience of the Civil War, he proclaims in the *Leviathan*, has so plainly shown the mischief of dividing the rights of the sovereign that few men in England fail to see that they should be inseparable and should be so acknowledged "at the next return of peace." Indeed, that they were so

acknowledged is evident in the reigns of Charles II and James II.

Hobbes stoutly holds that the moral law is the law of nature. "The Law of Nature and the civil law contain each other and are of equal extent." We are bound to obey the laws before we know what the laws are; for the State must precede the law. Therefore "no civil power whatever can be against the Law of Nature." The Laws of Nature may forbid theft and adultery; but till we have civil laws we do not know what theft and adultery are. All law, in fact, becomes positive law, for the Law of Nature merely orders us to obey the law of the Leviathan. The Church is a "company of men professing Christian religion united in the person of one sovereign, at whose command they ought to assemble, and without whose authority they ought not to assemble." Modern as Hobbes is in most respects, he is thoroughly mediaeval in regarding Church and State as two aspects of one and the same institution. The Church is the same thing with the civil commonwealth, which is "called a civil state, for that the subjects of it are men, and a church, for that the subjects thereof are Christians." "Temporal" and "spiritual" are "two words brought into the world to make men see double and mistake their lawful sovereign." Unless there is one governor there will be civil war between Church and State—"between the sword of justice and the shield of faith—and, which is more, in every Christian man's own breast between the Christian and the man." In short, Church and State are indissolubly one with one sovereign. Inevitably the papacy meets with severe condemnation. For it involves the division of sovereignty, a position that Hobbes cannot bear. The papacy means the setting up of "*supremacy* against *sovereignty*; *canons* against *laws*, and a ghostly authority against the civil." "If a man consider the original of this great ecclesiastical dominion, he will easily perceive that the papacy is no other than the ghost of the deceased Roman empire sitting crowned upon the grave thereof."

The origins of government are to be found in force, the social contract, or patriarchal authority, and Hobbes is aware of these three origins, even of the last. Nor is this

a matter of surprise, for Bodin expressly derives sovereignty from the father with the *patria potestas*. Hobbes is in the line of succession from Bodin, just as Bentham and Austin are in the line of succession from him. They all alike agree in thinking that sovereignty is one and the same, whether in the hands of one, a few, or the majority; and that the sovereign is not subject to civil or constitutional law. Hobbes's acuteness is displayed in his diagnosis of the diseases from which the body politic suffers. Before Malthus he accepts the positive check to population in the long run—war and death. Before Carlyle he believes in the use of force to compel labourers to work, and before him he anticipates the attack on parliamentary government and oratory. Before both Mill and Maine he analyses the inherent and ineradicable weakness of government by a large assembly. With his scorn of *a priori* ideas, his opportunism, and his groping after the historical method, he anticipates Burke.

Hobbes hated individualism so much that he offers no solution of the relations between the individual and the State. He builds up his theory of the Leviathan upon the conduct of individuals. Spinoza and Rousseau assumed a state of nature just as Hobbes and Locke assumed it. The assumption is vital to the latter; it is not vital to the former. The amazing matter is that Hobbes is prepared to believe in a being who is a savage in the state of nature and precisely the same individual who is a saint in the state of contract. Startling as this assumption is, we note with surprise that the law of nature may mean a brute instinct or it may mean a moral ideal, and as it suits his presentment of the case Hobbes takes advantage of either meaning. He mixes up the force and fraud of the state of nature with appeals to the moral right of the law of nature. The result is that the Leviathan is composed of patchwork. Had his creator adhered to self-interest or passion as the motive, he might have anticipated Spinoza by a generation and Hume and the utilitarians by a century. Had he adhered consistently to the idea of natural right, he might have anticipated Locke by a couple of generations. Can force persuade men permanently to obey the social compact? Is it not true

that you can do everything with bayonets except sit on them? A consciousness of a truth like this compels Hobbes in the end to rely on duty, not on compulsion. Under the double meaning of the law of nature the moral law that Hobbes had repudiated he hastens to adopt, finding in it the real security for the observance of the pact.

Spinoza, Locke and Rousseau alike detect the weaknesses of the Leviathan. Spinoza perceives that the monster of the state of nature could never become the man of the compact. Locke and Rousseau note that the position of affairs after the signing of the compact is even more onerous than before. Rousseau, indeed, holds that society, after its signature, is nothing less than a herd held together by the terror of the sword. "This is to think," according to Locke, "that men are so foolish that they take care to avoid what mischiefs may be done to them by polecats and foxes, but are content, nay, think it safety, to be devoured by lions." Rousseau is aware of this when he warns us that "the gifts of nature, such as life and liberty, stand on a level far above those of fortune or convention; and that, as no worldly gain can make up for either of them, it is a sin both against nature and against reason to surrender either of them for any other supposed benefit whatsoever." Hobbes argues that motives of expediency and motives of duty induce us to maintain the social compact. Rousseau, however, insists that "the man who renounces his freedom renounces his manhood, the rights which belong to him as man, nay his very duties. Such a renunciation is inconsistent with man's nature; to strip his will of all freedom is to strip his actions of all moral character." In his *Discours sur l'inégalité* and in his *Contrat Social*, Rousseau did a world of harm. Did he inflict as much harm on society as the atrocious moral sentiments of Hobbes? For the French writer has insight enough to perceive that the theory of the English one is as self-contradictory as it is revolting. Aware of the admissions he has made, Hobbes points out that "though there never had been at any time wherein particular men were in a condition of war against one another, yet in all times kings and persons of sovereign authority, because of their independence, are in continual

jealousies and in the state and posture of gladiators, having their weapons pointing, and their eyes fixed, on one another, which is a posture of war." Obviously the transformation of the monster of the state of nature into the man of the compact had never taken place. Machiavelli had begun the divorce of ethics and politics; Hobbes had continued it. Is "the posture of gladiators," consequent on this divorce, one to commend itself to anyone? Yet this is the posture with which Hobbes finally leaves us.

Hobbes's biographer could only find a solitary supporter, while his assailants were countless. "Hobbsism," in fact, stood for atheism, materialism, despotism, or, indeed, for any other -ism that the fancy of the age suggested. Such a Cambridge Platonist as Henry More, such a philosopher as Ralph Cudworth, and such a theologian as Richard Cumberland attacked Hobbes. His first political assailant was Sir Robert Filmer, though James Harrington mentions him in his *Oceana*, published in 1656, in terms of respect. Platonic influence is discernible in Harrington's *Utopia*. If its author were an idealist, he was also that most formidable of idealists, a thoroughly practical one. The social contract does not concern him. What does concern him are his two main principles, the preservation of the balance of property and the principle of rotation of office in government, a Greek idea. The first principle means that the preservation of the State depends on the possession of an adequate proportion of land by the ruling class, and we must remember that in the nascent condition of manufactures land then constituted the chief source of wealth. When this principle, which is original with Harrington, has been granted, then the purity and the health of government depend on four mechanical contrivances—the ballot, indirect election, rotation, and a system of two chambers in which the functions of debating and voting are kept separate. In advance of the practice of John Milton, Harrington advocated toleration to all save Jews, because they never mixed with the nations that protected them, and Papists, because they owed allegiance to a foreign potentate, and idolaters, because with Robespierre he believed in the supreme necessity of religion for securing social order. Nor

can we afford to pass by the fact that Harrington is the real parent of the economic interpretation of history. He powerfully shows how the economic aspect of life governs all its conditions, an outstanding proof of Harrington's originality.

Harrington's *Oceana* left its mark upon Shaftesbury, Penn and Locke, the three outstanding prophets of civil and religious liberty in the age of the Restoration. His permanent impression was far more on New England than on Old England. During the seventeenth and eighteenth centuries his ideas were at work when the thirteen colonies were receiving their constitutions and when they had revolted. By the constitution of New Carolina of 1669 the man who lost his title to land *ipso facto* lost his political office. In it there are the doctrine of the balance, the two chambers, one to propose and one to make laws, the ballot, the provisions against lawyers, and the theory of the incorruptibility of good governments. The constitution of New Jersey of 1676 and the first constitution of Pennsylvania strikingly resemble that of Carolina. True, Harrington's ideas in working proved utopian. The second occasion when his *Oceana* influenced the colonies was when they declared war upon England. The thinkers who made that movement were Harrington, Locke, Sidney, Montesquieu, and Blackstone. Among the admirers of Harrington were James Otis, the first of the Massachusetts revolutionaries, and John Adams, the second President of the United States.

Hobbes impressed Harrington, and Harrington impressed the men of the seventeenth and eighteenth centuries in North America. Hobbism impressed men as much by way of repulsion as by way of attraction, and of this the criticism of Spinoza (1632-77) bears ample witness. His *Tractatus Theologico-Politicus*, published in 1670, bears many marks of affinity to the thought of Hobbes. It is significant that Hobbes and Spinoza, like Descartes, Pascal and Leibniz, were all mathematicians. In fact, all the great thinkers of the seventeenth century, except Vico, were mathematicians of mark. Both Hobbes and Spinoza believe in the science of politics, and both men construct it by means of psychology, seeking out the facts of human nature that concern them. As Hobbes regards power as the



main motive of men, Spinoza so regards self-interest. Both entertain the same view of sovereignty, and both regard the State as an organism with a high degree of vitality. In practice Hobbes tends to become the apologist of despotism, whereas Spinoza undertakes the ideal construction of the most stable types of institutions for monarchy, aristocracy and democracy respectively. To both expediency proves the unbounded authority of the sovereign. Both examine the diseases to which the body politic is liable, and both share the same dislike of revolutions which with Hobbes amounts to mania. Both look on religion as aiding the State in imposing imperative restraint on human passion. Both scorned the theory of natural right. Both believe that the English Civil War ended in complete failure. Each discerns the gravity of attempting a fundamental change in the existing government. Both believe in the infallibility of the State, and hold that there is no law, moral or otherwise, above that of the State. They never forget the words of Job. On the other hand, the preference of Hobbes is for monarchy, while the preference of Spinoza is for democracy. The *Leviathan* and the *Tractatus Theologico-Politicus* are thoroughly in accord in denouncing all claims of the Church to set up jurisdiction equal to or superior to that of the State.

Spinoza takes occasion to show that "in political theory, the difference between me and Hobbes is that I keep the principle of natural right absolutely watertight, and that, in every possible form of the State, I conceive the rights of the ruler as against the subject not to exceed the limits of the power which he possesses in excess of the subject: that being a principle which is universally observed in the state of nature." What he means is that he is quite determined to avoid the confusion into which Hobbes fell when he brought, by a side wind, ideas of moral right and wrong into the social compact. According to Spinoza, it is rather the fear of war than war itself which renders the state of nature so terrible. It is in fact a condition of settled distrust and of the weakness which distrust brings in its train. Man in this state of nature is not therefore the monster Hobbes made him out to be. "Human

nature," Spinoza urges, "being everywhere the same, it follows that the civil man is born, not made." Spinoza founds his State upon the will of a "free multitude," and his free State differs from the State established by right of conquest contemplated by Grotius as well as by Hobbes. Right and power to Spinoza are identical terms, and he strips both of all ethical signification. Excluding right and obligation, he constructs his State solely upon the principle of expediency. If he does not worship force as Hobbes worshipped it, he worships craft as Machiavelli worshipped it. We learn from Spinoza that expediency is the sole test of conduct, that standards of obligation and honour possess no meaning either in national or international affairs. In the opinion of Spinoza, the country which either holds itself bound to respect such standards, or acts on the assumption that they will be respected by others, is no better than a fool. In the matter of political action in general and of treaties in particular, the sole criterion is expediency. The motive of duty may be dismissed. Expediency, self-interest if you will, is the all-important motive moving individuals who are members of the same State. True as this is within the State, it is truer between States. The position thus taken up by Spinoza is fundamental. With him as with Machiavelli might is right and right is might. Nor does the Dutch philosopher shrink from the consequences of his position. Man, in his view, lies in the grip of circumstances. As much as Thomas Hardy believed Tess to be the plaything of the gods, so Spinoza believed that man must be the product of natural forces which he is practically powerless to control. At the same time he pleads as passionately on behalf of toleration as Milton's *Areopagitica* ever did. We hear not a little of the right "to think as you will and speak as you think."

The personal life of Spinoza stands out as serenely as that of Jeremy Bentham. Both men cared even more sincerely for the welfare of the State than they cared for their own self-advancement. In fact, they were as selfless as St. Francis of Assisi himself. It is, therefore, all the more remarkable that Spinoza and Bentham entertained so poor a belief in their fellow-creatures as to imagine that

they were mainly moved by expediency, by self-interest. They ask us to remove duty, conscience, moral sense, call it what you will, from the breast of man. Is it likely that he will wend his way through life with a felicific calculus by which he weighs as in a balance the worth of all his actions in the light of expediency or utility?

In a remarkable passage, Frederic Myers has told us how one day at Cambridge, when walking with George Eliot in the Fellows' Garden at Trinity, "she, stirred somewhat beyond her wont, and taking as her text the three words which have been used so often as the inspiring trumpet-calls of men—the words God, Immortality, Duty—pronounced with terrible earnestness, how inconceivable was the first, how unbelievable the second, and yet how peremptory and absolute the third." Yes, the call of duty is peremptory and absolute, and it is to the credit of human nature that men find it so. Caesar Borgia believes in the felicific calculus and utterly fails. Napoleon thinks that God is always on the side of the strongest battalions, and ends his days in St. Helena. Bismarck reckons blood and iron the grand method of building the State, and eats out his heart in the bitterness of dismissal. Realpolitik in Germany met with some of its reward on November 11, 1918.

It is evident that the brain of man cannot employ the felicific calculus except in simple cases. The life of the State is so increasingly complex that in most emergencies it is inapplicable. Duty covers public life—as well as private—far more amply than any schemes the mind of a Machiavelli can evolve. Among the causes of the fall of Napoleon we reckon his habit of providing for contingencies discernible to no mind save his own. On August 4, 1914, at overwhelming cost to herself, the British people honoured the bond to defend Belgium that had been signed on their behalf. Who can estimate the influence of this devotion to duty compared with what might have happened had she turned aside to hearken to the counsels of Spinoza? With unerring insight Vico described the State of Spinoza as "a city of hucksters," and this description indicates precisely its utter lack of the sense of duty. It is a city of slaves as dreadful as any imagined by Hobbes. "As soon as men

join in a civil society," writes Rousseau in the opening words of his chapter on civil religion in his *Contrat Social*, "they need a religion to keep them there. No nation has ever endured, or ever will endure, without a religion. And if none were given them, they would make one for themselves, or would quickly perish."

One of the greatest names in English philosophy is that of John Locke (1632-1704). The task he felt laid upon him was to refute the conclusions of Hobbes, and yet we cannot help wishing that he had also measured his strength with Bossuet, who adapted the theory of the Divine Right of Kings to his own purpose. What Hobbes effected in his way, Bossuet effected in his. Reason, if not the law of nature, regulated the conduct of the King of France whose government controlled the evil passions of his subjects—though quite ineffective to control his own. "L'état, c'est moi" were the words Voltaire put into the mouth of Louis XIV. "All the State is in him; the will of all the people is included in his"—such was the not dissimilar verdict of Bossuet.

As Hobbes indicted the Long Parliament in his *Leviathan* and his *Behemoth*, so Locke defended the Convention Parliament in his *Two Treatises of Government*, published in 1690. The curious circumstance is that Locke passes by Hobbes nominally, spending not a little of his strength on Sir Robert Filmer's *Patriarcha*. This circumstance, however, is quite intelligible. Hobbes was unfashionable among the royalists, whereas Filmer was fashionable. Nor is this a matter of surprise, when we bear in mind how stoutly the philosopher of Malmesbury subordinated the Church to the State. The Cavaliers were Churchmen, anxious to succour the Church of England that had suffered grievous oppression. Filmer advocated Hobbism, for he taught that the question is not, "Whether there shall be an Arbitrary Power; but the only point is, Who shall have that Arbitrary Power, whether one man or many? There never was, nor ever can be any people governed without a Power of making Laws, and every Power of making Laws must be Arbitrary: For to make a Law according to Law is Contradictio in adjecto."

Locke defines the object of his enquiry to be, "Political

Power . . . I take to be a Right of making Laws with Penalties of Death, and consequently all Penalties, for the regulating and preserving of Property, and of employing the Force of the Community, in the Execution of such Laws, and in the Defence of the Commonwealth from foreign injury, and all this only for the public good." The power of the Prince, we glean, is relative, not absolute, and this power shares the nature of a trust. Clearly the doctrines of the English Common Law as to conditional estates and of English Courts of Equity as to the duties of trustees assumed their work in preparing the mind of the philosopher to witness the operation of trusteeship in the Prince. No doubt Locke relies much on Richard Hooker's magnum opus, *Of the Laws of Ecclesiastical Polity*, which advocates the social contract theory. In the background of Locke's mind, however, we have always to reckon with that doctrine of trusteeship which is as fundamental in his views on the State as it is in his whole-hearted advocacy of the cause of toleration.

In spite of his concealed attack on the philosopher of Malmesbury, there are points of agreement between their respective systems. They agree in thinking that men originally lived in a state of nature in the sense that no one man has an original claim on any other's political obedience. They consider the original multitude as a crowd of unrelated individuals, and the condition of this crowd was that of fallen and sinful, ignorant and ungoverned creatures. In fact, the state of nature, the law of nature, and the social contract are as plain in the *Civil Government* as they are in the *Leviathan*.

If there is agreement between Hobbes and Locke, there is also disagreement, and this disagreement is vital. This comes out pretty plainly in the survey of man in the state of nature. With Spinoza Locke thinks that man was sociable, seeking pleasure in the company of his fellows. The "homo homini lupus" conception is untrue. Nor was man quarrelsome. For, firstly, his sociability tended to prevent quarrels; secondly, the abundance of land left little room for contentions; and, thirdly, customs and usages supplied the place of laws. Just as Locke thought that money introduced inequality, so Rousseau thought that not

gold but agriculture and the plough formed the great cause of inequality, because they led to property in land. Still, even though there is no Leviathan to restrain men in the state of nature, and even though there is no permanent equality, there is peace, though a precarious peace. So Locke meets Hobbes, and so he inflicts a mortal blow upon the position Hobbes occupied. Locke implicitly denies that the worst of governments proves always more tolerable than the state of nature. He no less implicitly teaches that the law of nature is at all times and in all places the same, a position flatly contradicted by the facts of life no less than by the facts of history.

As we peruse the writings of Locke, we readily perceive that the conception of the law of nature is repugnant to the whole tenor of his thought. He may write as he pleases about the condition of primitive man: the man he has in his mind is he whom he meets in 1689. "Primitive man is on his lips," acutely remarks Rousseau, "but the portrait he paints is that of civil man." In his *Discours sur l'inégalité*, the French thinker observes that Locke "begins by casting about for the rules which, in their own interest, it would be well for men to agree upon; and then, without any further proof than the supposed advantages thus resulting, he proceeds to dignify this body of rules by the name of natural law. All the philosophers of his school have followed the same method. The result is that all the definitions of these learned men, in standing contradiction with each other, agree in this conclusion only; that it is impossible to understand, impossible therefore to obey, the law of nature without being a very deep reasoner and a very great metaphysician. And that is only another way of saying that, for the establishment of society, men must have made use of the wisdom which is, in fact, very gradually acquired by a small minority of men, and that with the utmost difficulty, in the bosom of society itself." Besides, is there any real consent to the pact? Is there anything spontaneous about it? "From the formation of the first community," Rousseau shows, "necessarily follows that of all the rest. There is no choice left but either to join it, or be engulfed in it." In point of fact, the theory of contract is a pure farce.

That there are grave defects in natural society Locke assuredly notes. There are three wants, the want of established and known law, the want of an impartial judge, and the want of power to execute sentences. In order to supply these wants, there is need of some surrender of natural right. With Hobbes this surrender is unlimited: with Locke it is limited. The legislative power, once constituted by consent, becomes the supreme authority in the Commonwealth. The law of nature and the law of trusteeship bind its authority within the limits fixed by the common good. With Hobbes the state of nature is that of "war of all against all": with Locke it is a state of peace and goodwill. With Hobbes the law of nature is the impulse of early man: with Locke it is moral. With Hobbes the social compact is an instrument of slavery, the charter of despotism: with Locke it is an instrument of freedom, the charter of individualism. With Hobbes the gulf between the natural man and the social contract man is unbridgeable: with Locke it is bridgeable.

Locke is a potent influence with Rousseau. The disciple is never quite like his master, and we are accordingly prepared to find that Locke regards the social contract as irrevocable; Rousseau regards it as revocable. Both men distinguish sharply between Sovereignty and Government. On the other hand the English thinker allows his compact to be absolutely free; the French thinker allows nothing of the sort. Once men enter upon the contract, Rousseau allows no choice as to its terms. "They are so completely determined by the nature of the case," according to Rousseau, "that the smallest departure from them would make the whole act null and void." Locke conceives of the contract as an instrument of individual freedom with terms varying indefinitely, the individual holding all the powers not expressly granted to the State. His conception of sovereignty is essentially unrestricted within constitutional limits. Rousseau reverses all these conceptions. He insists that the individual makes a "total surrender" through the compact. In fact, it is the "mutilation," the "annihilation" of separate personality which is replaced by corporate personality, the "collective self" of the community as a

whole. Rousseau's conception of sovereignty is essentially unrestricted with no constitutional limitations. The State holds all the powers of the individual, his goods, his rights, even his very will. In a word, Locke's contract preserves the rights of the individual which it is the very object of Rousseau's to destroy. The moral life of the *individual* imagined by Locke stands outside the State: the moral life of the *citizen* imagined by Rousseau stands within the State. For Rousseau is nothing if he is not Platonic in his outlook. He was a citizen of Geneva: he was also a citizen of Athens, for the City-State had woven her spell of enchantment around him.

Liberty to Locke means the liberty to dispose as men please of their goods and persons and to order their actions "within the allowance of those laws under which they are; therein not to be subject to the arbitrary will of another, but freely follow their own." The end of the law, in short, is not to abolish or restrain, but to preserve and enlarge freedom, which is almost identical with the doctrine of Kant, that law is merely the sum of the conditions (negative), which, being observed, give the largest sphere and scope to the freedom of the will.

With Hobbism in his mind, Locke is bent on curtailing the rights of the monarch. There is a natural right of property, we learn, and this right precedes political institutions. Individualist to the core, Locke insists that "the chief end of the State is the preservation of property." The State confirms what the law of nature has already ordained. Unlike Bodin and Hobbes, Locke has no theory of sovereignty: his true sovereign is the individual. His repulsion from the uncontrolled tyranny of the Leviathan is so grave that we are left face to face with the equally uncontrolled tyranny of the individual. In fact, we are obliged to contemplate anarchy plus the policeman, as our own life in the Lockean State is emptied of all moral content. We are not merely removed by worlds from the classical conception, but we are also removed by worlds from any worthy conception whatsoever.

There has been, Locke thinks, a glorious age in the remote past, and it might have lasted "but for the conception and



viciousness of degenerate men, if they had only preserved the primitive virtues of the golden age," a hint which Rousseau was one day to expand into a famous statement. The singular matter is that the *Two Treatises of Government* and the *Essay Concerning Human Understanding* were published the same year, and yet in the former we note those innate ideas that are violently repudiated in the latter. The history of man, we glean, has been one in which he perhaps outlives the law of nature. His age of innocence is long past, and we witness change and decay.

The need of a legislature is beyond doubt. Locke repeats again and again that men united at first mainly for the protection of their properties, and that they must therefore have fixed, known rules respecting property. The legislature cannot transfer its power of making laws to other hands, because the power is only delegated, not inherent power. The people alone, who conferred it, can transfer it. Therefore, if the people have placed it in the hands of one he cannot transfer it to a few; if to a representative assembly, this assembly cannot part with it to the Prince; if they have divided it between kings, lords, and commons (in whatsoever proportions), so it must remain; unless the people, the original source and depositaries of political power, should wish for a change, and signify the same by the agreement of the majority. Curiously enough, though Sir Thomas Smith had proclaimed the sovereignty of Parliament, and though Oliver Cromwell had insisted on the necessity of unalterable "fundamentals," Locke offers no real suggestion on the problem of constitutional amendment. He merely points out that men will not live under a permanently oppressive government. Hobbes, like Machiavelli, had insisted that the dissolution of the Leviathan and the dissolution of the community were one and the same thing. Locke quietly points out that "he that will with any clearness speak of the dissolution of Government ought in the first place to distinguish between the dissolution of society and the dissolution of Government." In a word, the Leviathan is not the State. With Locke a political union, once formed, is indestructible.

So far back as the ninth century formal compacts between

Frankish kings and their subjects were sworn, and indeed such compacts were common enough in the Middle Ages. Before Locke's time there is something like a social contract formed in 1620, and after his time in 1791. In the cabin of the *Mayflower* forty-one of the Pilgrim Fathers signed a document stating that they "do by these presents solemnly and mutually in the presence of God, and one of another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the order aforesaid; and by virtue hereof to enact, constitute and frame such just and equal laws, ordinances, acts, constitutions and offices from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience." In 1791 the French people in Paris met in the Champ de Mars, and swore fidelity to the new constitution, while Louis XVI and the Assembly in like manner did the same.

Hobbes recognises pactum subjectionis only, the covenant of allegiance. Locke recognises pactum unionis and pactum subjectionis, the primary covenant of commonwealth and the auxiliary covenant of allegiance. Rousseau, inverting Hobbes's theory, recognises the pactum unionis only. The pactum serves many ends. With Hobbes it serves the end of the monarch with unlimited power; with Locke the monarch with limited power; and with Rousseau democracy of the extremist type. It is also worth noticing that Locke makes the contract to protect property, while Rousseau makes it to place property at the discretion of democracy.

In keeping with his individualism, Locke wrote his *Letters on Toleration*, published in 1690. As the end of civil government is the protection of property, life and liberty, and as the end of religion is the salvation of the soul, we notice, firstly, that the care of the spiritual interests of the citizens is not committed by God to rulers; secondly, the care of souls cannot belong to the magistrate, because the magistrate disposes only of force, and physical force cannot act upon the intellect; and, thirdly, even if laws with severe penalties did produce religious conviction and change a man's religious opinions, still, considering the great variety

of religions in the world, and that princes themselves are of different religions, it would be hazardous for men to quit their reason and blindly follow their prince's religion.

Toleration is accordingly the rule. There are, however, exceptions. Locke will not tolerate, firstly, opinions contrary to human society, or to those moral rules necessary for the preservation of society. The Anabaptists are perhaps a case in point. Secondly, he notes those who arrogate to themselves some peculiar prerogative covered over with a specious show of deceitful words. Among these he reckons those who assert the notion that Dominion is founded upon grace, which means that it should specially appertain to themselves as the chosen vessels of grace. Thirdly, he notes those who will not teach and practise toleration in matters of religion. Lastly, he notes those who deny the being of God. "Promises, covenants and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all." The political philosophy of the eighteenth century, the constitutional doctrines of English lawyers like Blackstone, the principles of the thinkers of the American and French Revolutions—all alike attest the far-reaching influence of John Locke. Through Blackstone's *Commentaries*, for instance, Locke's ideas gained ground in the thirteen colonies. Several Bills of Rights of the American States, among which Virginia gave the first example, and the Declaration of Independence itself, amply demonstrate the firm hold Locke retained on the men of the eighteenth century. Nor can we altogether pass by the circumstance that Locke is significant in political economy as he is significant in political philosophy. For he is the parent of the labour theory of value which Karl Marx was one day to emphasise with all his might.

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## Chapter VIII.

### MONTESQUIEU AND ROUSSEAU.

FROM the ninth century to the eighteenth the conception of contract exercised the profoundest influence on the political conduct of men. Two men dealt it a resounding blow from which it never really recovered. One was Giovanni Battista Vico (1668–1744), and the other was Montesquieu (1689–1755).

Vico's *Scienza Nuova*, which appeared in 1725, was ignored in his own day. Well might Michelet, his translator, say that Vico wrote not for his own age, but for that which was to dawn half a century after his death; not for the eighteenth century, but for the nineteenth. It was his work, as well as Montesquieu's, to set forth the complex of moral and religious beliefs, modified by political and physical, intellectual and social causes, in the life of the State. Instead of the abstract we have the concrete unfolded in all its complexity. Such an unfolding left little space or place for the contract conception, and it gradually disappeared into the background of thought. But in the main we must be content to attribute the change to one of those silent and mysterious movements of thought of which we only feel the effects without being able to trace them to a cause. Both Lecky, in his *History of Rationalism*, and Sir Leslie Stephen, in his *English Thought in the Eighteenth Century*, remark how modes of thought pass away—and the latter adds, how superstitions revive—without direct proof or disproof. Beliefs draw their nourishment from the atmosphere of thought, just as truly as plants draw theirs from the oxygen around them. And this doubtless is the element of truth in the common saying that certain ideas are "in the air." The mental conditions are favourable, and the ideas spring up and seed and multiply, like plants in a suitable soil and climate.

With the disappearance of the contract conception there was also a transformation, for men will not willingly part with an old conception. Natural right has a long pedigree behind it. Vico is as certain of this as any sixteenth century writer. He is, however, not so certain that the law of nature has been rightly interpreted. To him the *Diritto natural delle Genti* is not stationary, but progressive: it is a law varying with the stage of growth reached by a given community or nation, not a law the same always, everywhere, and for all. History, he argued, had suffered from the habit of ignoring psychological differences, by the failure to recapture the ancient point of view. In Roman history he notes the succession of aristocracy, democracy and monarchy. Belief in progress he adopts, though he adopts it as a spiral movement.

Vico, like Montesquieu, shows on a grand scale that customs, laws and institutions must be judged as historical phenomena with successive stages in their evolution. Adopting the comparative method, Vico estimates these phenomena not according to an abstract or absolute standard but as concrete realities related to given times and places. He investigates their determining causes and conditions, the whole social organism to which they belong, and the whole social medium in which they subsist. Once thinkers like Vico and Montesquieu adopt the comparative method, the rise of the historical school, the development of the historical method, the idea of continuity, and the rapid advance of historical science, are bound to follow. Comparative Mythology and Comparative Law are ushered in as well as a comparative view of the State. In fact, the State has a past as well as a present, and this past exercises paramount sway over the present. To St. Augustine and Orosius, to Bossuet and Vico, it is evident that God governs the course of history.

Voltaire tells us that the human race had lost its titles when Montesquieu found them and restored them, and it is no inadequate account of the thinker who wrote the *Esprit des Loix*, the greatest book of the whole eighteenth century. Montesquieu stands for liberty, as Voltaire stands for efficiency, and Rousseau for equality. Prophets are usually

without honour in their own country, and it is significant of the condition of France that Montesquieu's *Persian Letters* (1721), his *Considerations on the Greatness and Decay of the Romans* (1734), and his *Spirit of Laws* (1748) were published anonymously and printed in foreign countries, the first two at Amsterdam, the last at Geneva. The last book found its way to the Index Expurgatorius, and the civil censor banned it for two years.

Montesquieu, as his critics perceived, was the practical reformer as well as the political philosopher. The former might be tolerated. Could the latter? Could the France of Louis XV bear the idea of a physician diagnosing the diseases from which the body politic was suffering? His views on the centralising policy of the Bourbons are evident in his remark that "les plus méchants citoyens de France furent Richelieu et Louvois." Our author has a heart as well as a head, and he feels intensely for la patrie suffering under such a sovereign as Madame de Pompadour, who both reigned and governed.

Montesquieu proclaimed that "all knowledge is knowledge of relations." It is the view of Vico, but alas! though Montesquieu had the *Scienza Nuova* on his shelves, he never read it. How much there was in common between the two is evident in the eighty-sixth of the *Persian Letters*. There Montesquieu announces: "I have often set myself to think which of all the different forms of government is the most conformable to reason, and it seems to me that the most perfect government is that which guides men in the manner most in accordance with their own natural tendencies and inclinations." That is, perfection is no longer abstract, but concrete, relative. In these letters he reveals himself as a latitudinarian in religion who indulges his ironical pen at the expense of the Church. He manifests his disdain of theologians and his contempt of monks and missionaries. A friend to toleration, he condemns—with discretion—the auto-da-fés, the persecution of the Jews, and the revocation of the Edict of Nantes in 1685. We learn that "nature always acts slowly, and, so to speak, sparingly. Her operations are never violent, and she is moderate even in production. She never moves save by rule and measure,



and, if hurried, she soon becomes exhausted." Falling in with the spirit of the age the *Lettres Persanes* appeared in 1721, and within a year four editions and four pirated reprints were sold.

A citizen of France, Montesquieu, through his travels, became a citizen of the world. Like Voltaire and Rousseau, he visited England. "One should travel in Germany," so he held, "sojourn in Italy, think in England, and live in France." He lived in England from October, 1729, to August, 1731, and thought to some purpose. He attended debate after debate at Westminster, and eagerly perused the writings of such authors as Locke. In our island he found the liberty he longed to see in his own native country, and he conceived the idea of making it known to the world of Europe. The history of the past, in his discerning eyes, possessed that continuity Voltaire and Hume were utterly unable to perceive. "As men," he observes, "have in all ages been subject to the same passions, the occasions which produce great changes may be different, but the causes are always the same."

Plainly put, Montesquieu expounds the science of history, for such it became in his hands. There are general causes at work, and these causes produce effects. "It is not Fortune who governs the world," he proudly announced in his *Considérations sur la Grandeur et la Décadence des Romains*, "this is proved in the history of the Romans, who had an unbroken succession of triumphs as long as their government was conducted upon a certain principle, and an uninterrupted series of reverses when the principle of government was changed. There are general causes at work in every monarchy, raising and maintaining, or producing its downfall: accidents are entirely subject to these causes. If the accident of a battle—that is, a particular cause—ruins a State, it is because of the existence of a general cause which makes the ruin of that State by a single battle inevitable: it is, in a word, to a general cause that particular accidents are to be attributed."

All Montesquieu's contemporaries, with the single exception of Vico, opposed these ideas, and we are substantially certain that their opposition was wrong-headed. The just

and logical views put forth in 1734 entitle their author to an honourable place among the creators of modern history. Now and then he generalises, and some of his generalisations arrest our attention. For example, he points out that "a State is never more to be feared in a threatened invasion than when itself is suffering from the horrors of war. . . . England has never been more respected than under Cromwell." We may also instance France in 1791. It is remarkable that Montesquieu barely notices Byzantine history, and his short summary may have influenced Gibbon in his neglect of the Eastern Empire. The French philosopher assigns a place to religion in the State, but he assigns it after the army, after the political constitution, after the climate, the soil, the manners, and between the commerce, the population, and the police of the country. The merit of Montesquieu is that he analyses the general causes of historical events, explaining their widespread and persistent tendencies.

The thesis of Montesquieu requires consideration. It is easy to speak of the inevitable working out of cause and effect, but is the solution quite so simple? In chemistry the mixture of two atoms of hydrogen with one of oxygen invariably produces water, and the form of the instruments of the mixture matters not. In history the method of the mixture of the atoms is more significant than the elements brought into contact. Frederick the Great gives the other point of view when he insists that "the older one becomes the more clearly one sees that King Hazard fashions three-fourths of the events in this miserable world," a conception which Cyprian, oddly enough, held. Voltaire is never tired of dwelling on the small springs on which the greater events of history turn. It is an idea as old as Aristotle and as new as Pascal and Burke, who were all of Voltaire's way of thinking—in this respect.

Test the theory of Montesquieu by examples. Was Gibbon right in his belief that if Charles Martel had been defeated at Tours, the creed of Islam would have overspread the greater part of Europe? If Mohammed had been killed in one of the first battles he fought, would a great monotheistic creed have arisen in Arabia? What turn would

events have taken if Alexander, the son of Philip of Macedon, had been as incompetent as Commodus, the son of Marcus Aurelius? In the spring of 323 B.C., the control of the framework of civilisation from the Adriatic to the Panjab rested upon the single will of Alexander. He was snatched away, and the union, perhaps premature, of East and West passed away with him. What form would French art have assumed had not Charles VIII set out on his expedition to Italy, thereby making France feel the influence of Giotto, the founder of modern painting? Would the Reformation have been so successful had not five such men as Luther, Zwingli, Calvin, Cranmer and Knox appeared simultaneously? What turn would it have taken had Luther and Erasmus been as sympathetic towards each other as Luther and Melancthon were?

Questions can be as readily raised in our own day as in the past. For instance, had Frederick the Great never lived, would Prussia have begun the war of 1740, which started the country on the career which made the World War possible? In 1878, had the bullet of Nobiling cut short the days of Wilhelm I and given his son the throne ten years before 1888, the history of Germany would have been fundamentally altered. Indeed, had Frederick the Noble lived in all probability the devastation wrought from 1914 to 1918 would never have occurred. There has been a destroying revolution in Russia since March, 1917. There would have been a preserving revolution had Alexander I been succeeded by a ruler like himself in 1825, and not by Nicholas I. The personality of another Alexander I would have effected as epoch-making a transformation as Bismarck himself. Proclaim as loudly as men please that history is a science and that accidents are entirely subject to general causes, we remain unconvinced. An accident like the dislike of Wilhelm II for Edward VII can no more be resolved into a general cause than the personality of Montesquieu himself.

As a protest against the reign of caprice only, the book of 1734—as well as that of 1748—was urgently needed. Naturally like all men with a thesis, he pushed it too far. Because the laws of history had been largely ignored, he

proceeded to show that they not merely explained some matters, but that they also explained all matters. To seek the principles underlying the infinite diversity of the laws and customs of mankind formed the fundamental purpose of the *Esprit des Lois*. He distinguishes his masterpiece with the epigraph, "Prolem sine matre creatam," which shows that he was as ignorant of the labours of Bodin as of those of Vico.

In 1748 Montesquieu teaches that "law proceeds from the nature of things; its *raison d'être* is the cause of its authority. He who brings it back to its principle strengthens it." We cannot forget that a hundred years after Montesquieu's death another brilliant book was written on the spirit of laws. In it Savigny lays down the doctrine that the law of each nation is the natural and necessary outcome of the growth of national consciousness. "Nature always acts slowly and, so to speak, sparingly; her operations are never violent." In this last sentence Sorel perceives the whole philosophy of the "Esprit des Lois," and it links itself with Linnaeus's "Natura non facit saltus," which in turn links itself with the far-reaching doctrine of evolution.

Montesquieu appreciates democracy in Athens and Rome. His reading of the past is that the assembly of the citizens makes laws and exercises the sovereign power. "Its suffrages are the expression of its will." The people select magistrates from men whose opinions are known, whose transactions are subject to steady supervision. The people act according to the spirit of true equality, which consists both in "obeying and commanding their equals." They enjoy that kind of liberty which Bossuet had defined before Montesquieu—"a state where no one is subject except to the law, and where the law is more powerful than man." According to our philosopher modern liberty is civil and individual, whereas ancient liberty is exclusively civic, depending entirely upon the City-State. Liberty in Athens and Rome consisted solely in the exercise of sovereignty. The individual had no right save his vote, and his vote exhausted all his right. Freedom of conscience is with Montesquieu the foremost and most essential of all; the

ancients did not even conceive it. He makes the striking prophecy that the Protestant countries will grow richer and more powerful and the Roman Catholic countries weaker. That the balance has decidedly shifted from the Latin races history attests.

The guarantee of liberty lies in the separation of the three main functions of the State, the legislative, the executive and the judicial. So he misread the British Constitution, and his misreading exercised the maximum effect upon the Old World and upon the New. On that singularly important work, *The Federalist*, he left a deep impress, and the masterpiece of Alexander Hamilton and James Madison formed the fount of inspiration of the fathers of the Federal Constitution of 1787.

The age of capitalism had been with men since the Reformation, as Troeltsch and Weber have abundantly proved, yet the *Esprit des Lois* can declare that manufacturers are not compatible with democracy, whereas the growth of large towns meant the rise of democracy. Virtue, we note, is the basis of democracy, as honour is the principle of monarchy. Despotism he detests with the detestation born of bitter experience.

Once upon a time no part of the *Esprit des Lois* provoked more appreciation than that part which relates to laws as modified by the nature of the climate. Perhaps no part now provokes more lack of appreciation. Our author lays down such a general principle as that "from the different wants in different climates have arisen the different ways of living; and these different ways of living have resulted in different kinds of laws." Such a principle certainly enables us to understand the purpose and destiny of man as an inhabitant of the earth. With the insufficient data at his command, however, our investigator takes for granted that because climatic influences are so conspicuous they are all-embracing. In fact, he explains a wide range of social and historical phenomena which are the effect of factors other than climatic. For instance, he ascribes the immutability of religion, manners, customs and laws in India and other Oriental countries to their warm climate. Does he seriously think this is the sole or even the most important

factor? According to him, a cold climate will produce, together with more strength, greater self-reliance, and the consciousness of one's own superiority; that is to say, a smaller disposition to revenge, a more serious opinion of one's security; that is to say, more frankness, fewer suspicions, less political scheming, less cunning. If we stand amazed at the effects of the dankness and heat of the East, we stand no less amazed at the number of virtues produced by the frost and damp of the West.

Montesquieu is far more successful when he explains the merits of liberty and the demerits of slavery. With a pen steeped in irony, he informs us that "the nations of Europe, having exterminated the natives of America, have been compelled to enslave those of Africa, lest all those vast lands should go untilled. Sugar would be too dear, if slave labour were not employed to grow the canes. The African slaves are black from head to foot, and they are so flat-nosed that it is hardly possible to feel pity for them. Who could bring himself to believe that God, who is all-wise, can have put a soul, above all a good soul, in a body utterly black? It is impossible to suppose that such creatures are men; because, could we do so, we should begin seriously to doubt whether we, on our side, are Christians." With a breadth of view unusual in 1748, he puts to the one side such justification of slavery as the rights of war and the superiority of one race over another. The sole ground he admits is the consent of the slave himself. Slavery is "against nature," and is against the natural law which declares that "all men are born equal." It stands in stark defiance of the laws of right. In fact, he anticipates Burke in his view that the white man has distinct duties towards his black brother. In spite, however, of his denunciation of slavery, he is no apostle of progress. He notes the correlation between the laws of a people and its *esprit général*. He does not perceive stages in the operations of these laws. He was inclined to confound, as Sorel has observed, all periods and all constitutions.

The *Esprit des Lois* was the labour of twenty years, and its author enforced, as had never been enforced before, the doctrine of the relativity of laws. There is no best form of

State or constitution. There is no use in considering laws in the abstract; their environment settles their operation. Concrete we must be, seeking in our concreteness the causes of phenomena. Bodin began with general principles, whereas Montesquieu began with particular institutions, and it is the permanent pride of place of Montesquieu in thought that he so began. The institutions a Frenchman could observe at the doors of his chateau. From local institutions one could proceed to those of Paris. "My object," he insists, "is not to make you read, but to make you think."

Twenty-two editions of the *Esprit des Lois* were published in less than two years, and it was translated into all the modern languages. D'Alembert composed an éloge of this seminal thinker. "His book," confesses Catherine the Great, "is my breviary." "My delight," writes Gibbon in his autobiography, "was in the frequent perusal of Montesquieu, whose energy of style and boldness of hypothesis were powerful to awaken and stimulate the genius of the age." Jeremy Bentham wrote a characteristic—and curious—rhapsody of the *Esprit des Lois*. Washington was acquainted with it, and when he talked about the Lycian republic he talked what Montesquieu had taught him. From the French writer the fathers of the new Republic learnt of the extreme wisdom of the separation of the three powers of the State. For it is certain that the *Esprit des Lois* inspired *The Federalist* and *The Federalist* inspired the constitution of 1787. Thomas Jefferson had a curious commentary prepared for him by a peer of France, Destutt de Tracy, who was a member of the French Institute and of the Philosophical Society of Philadelphia. Nor does the American Revolution exhaust the influence of Montesquieu. In 1789 the publicists ransacked the *Esprit des Lois* for the arguments they employed. With the National Assembly he counted much less. Then his star had set, whereas the sun of Rousseau blazed high in the heavens. With Rousseau his power deepened and strengthened with the passing of the years. "The illustrious Montesquieu, the only modern writer capable of creating the great, but useless, science of political Right"—such is the final and

characteristic verdict of Rousseau upon the man who with Plato was his intellectual parent.

When the world-spirit desires to fertilise the ideas of a people there is no great difference in the proceeding from nature's ordinary plan, which is always the introduction of a germ from without. Just as the birds and insects let fall a breeding dust into the heart of a flower, so a foreign way of feeling, the mind of another race, may serve as a sort of pollen to fructify our human societies. And this is nearly always the process of renewal. When a nation has brought to perfection a form of art or literature, the result is a period of dullness and ennui. Perfection organised soon degenerates into a stereotyped mediocrity, and the poems of an Ausonius or paintings of the school of Raphael reveal to us the result of a classic made to order. An art or a literature in this stage of inanity (amusing only to an academy of adepts) may endure for ages. Witness China. But, as a rule, chance or nature sends along some fertilising vagabond, ignorant of the traditions he disturbs. And the result is a fresh efflorescence. In France towards the middle of the eighteenth century the flower was visited by more than one wandering visitant, for the English science of Newton and his disciples was one cause of the new crop of ideas and images in French philosophy and letters. But, despite his greatness, Newton was the lesser factor.

The real regenerator, the man who stirred the depths and brought new things into being, was just a man from the Alps—a rolling stone who had gathered no moss—a sort of travelling secretary, who might have sung (since he liked singing) the air of "*Vengo di Cosmopolis*." He imported, with the jealous individualism of Geneva, an almost German sense of simplicity and tender homeliness, and the Italian's worship of the beautiful. This little Swiss was, of course, Jean Jacques Rousseau (1712-78).

Like Lafontaine, like Cowper, Rousseau was forty years of age before he sought success as an author; up to that time he had wandered and enjoyed, brooded, dreamed, and, without consciously observing, had let a good many truths sink into his mind unawares. Neither at Geneva, his native place, nor in Savoy, nor in Venice or Turin, had he appeared



remarkable for anything save a sort of timid graciousness. He had little conversation, and stammered sometimes in trying to say too many things at once. As he did not write, it was difficult to gauge the intensity and complexity of his feelings. The disorder of his speech (that "embarras" to which he frequently referred) and a certain general incoherence was due, in fact, to the extraordinary vivacity and mobility of his sensations, as also to a lack of mental and moral co-ordination. Often, indeed, the exquisite impressionability of a nature appears at first sight as a sort of stupidity. Say to an ordinary man, "What colour are these swans?" he will answer, "White." Ask the same question of an artist distinguished by a supersensitive vision, aware of a whole series of whites and greys, and shades and tinges—he will stammer and hesitate. The little Swiss secretary was always stammering and hesitating. He appeared, in fact, to others much as he described himself: "Un homme sans malice plutôt que bon, une âme saine mais faible," or, as David Hume described him, an ugly pretty little fellow with an expressive face.

Most of us derive our opinion of Rousseau from his *Confessions*, and that opinion is seldom favourable. The book indubitably is a work of genius; but it is also the self-revelation of a disgusting personality. It was Sir Leslie Stephen who remarked that, whatever might be our difference of opinion about the author of the *Confessions*, we must all agree that no gentleman could have written them. Another critic has been inspired by them to express himself more strongly and sum the author up as "a sentimental cad." He was that, and he was worse than that. He unctuously excused himself for making public reference to the amours of great ladies on the ground that these were notorious; but he deliberately and without apology related in sickening detail the story of his own amorous relations with Madame de Warens—a lady whose weaknesses were not a matter of public knowledge, and whose reputation he was bound by every honourable obligation to shield. He was not even satisfied to boast of the favours which she extended to him, but went on to state that he had to share those favours with another dependent in her household. The man who wrote

like that, and who went about reading aloud what he had written in Parisian salons, had most assuredly the soul of a valet de chambre.

Rousseau is the spiritual father of all who pursue the art of self-confession. Perhaps, indeed, his greatest achievement is that he inaugurated a new state of mind. We are too apt to forget that our feelings, no less than our sciences, are conquests and acquirements. Some great individual enlarges the hereditary domain, and thenceforward a novel region is within the reach of all. A great man no less than a great landscape is an *état d'âme*. Rousseau invented a new fashion in feeling like a discoverer who brings an ultra-violet ray within our vision. He projected upon life the rays of a mind which lit up hitherto invisible summits and abysses, and impressed upon the outer world the fresh form of an original understanding. He saw things, not as they appeared to his contemporaries, nor as they had appeared to his ancestors, but in accordance with some inner image, still fragmentary, slowly formed, of which he elaborated the conception, and then imprinted it on society. He furnished a new sentimental medium, he discovered a new ideal. And that is his principal title to fame. He was not merely a man of letters, a novelist, a philosopher, a botanist, a musical composer, a social reformer, an apostle, and, if you will, a prophet; he brought into our ken a new sphere of sensibility. Rousseau was emphatically an initiator.

All round the small part of our activities, which so far we have cultivated and colonised, there stretches a wide field of resources which most men never bring into any use at all. Or, to vary our metaphor, most of us are in the position of persons possessing in the bank several deposit accounts to only one of which they have obtained a cheque-book. And the excitement of some new idea, the enthusiasm created by some great individual, suddenly puts us in possession of new resources, admits us to our own, gives us access, in fact, to our hidden treasure. A new ideal is a great dynamic agent, unlocking innumerable energies which might never have come into play. Rousseau gave us the cheque-book to an account we possessed already, but did

not utilise. For the human individual usually lives far within his limits, and fails to use a great part of the means at his disposal. With a few simple words (such as Nature, Virtue, Equality), with a very few simple ideas, partly false (such as "Nature is good," "Be just and you will be happy," "The root of all evil is inequality"), and thanks to the intense conviction with which he animated these words and ideas—making them radiant, illuminating, prophetic—Rousseau produced a contagious optimism which brought forth great results, for good and evil.

Such characters as Rousseau (or Coleridge) raise in our minds an eternal question: What is the relative importance of virtue? Perhaps their many faults consist in one comprehensive defect, a want of will, an absence of duty, or, if you will, religion. As far as behaviour goes, Rousseau in his earlier years appears to have been a mere mass of jelly; and when he attained a decent ideal of conduct his intelligence succumbed. So long as he was a man of genius he appeared unable to recognise an obligation, he lived at the expense of his mistress and employer, he sent his children to the Foundling Hospital, accepted from all his friends favours, loans, sacrifices, with nothing more deterrent than an agony of shame. He made efforts, indeed, but they never came to anything—at least, they never seemed to come to anything as virtue. They amounted to a vast total of genius, of philosophy, of noble conceptions, and daring speculation—and at last they appeared to affect the soul. Rousseau in his latest years was "une belle âme." But then the intelligence succumbed, and he was more or less a madman.

Meditation over the astonishing career of Rousseau suggests the question. Were his deficiencies organic? Were they part of the experience requisite to the development of his genius? He himself in his *Lettre à M. de Beaumont* supplies us with an answer: "Honorez en général tous les fondateurs de cultes. . . . Ils ont eu de grand génies et de grandes vertus; cela est toujours estimable. Ils se sont dit les envoyés de Dieu; cela peut être et n'être pas. . . . Mais quand cela serait pas, il ne faut pas les traiter si légèrement d'imposteurs. Qui sait jusqu'où

les méditations continuelles sur la divinité, jusqu'où l'enthousiasme de la vertu ont pu, dans leurs sublimes âmes, troubler l'ordre didactique et frappant des idées vulgaires. Dans une trop grand élévation, la tête tourne, et l'on ne voit plus choses comme elles sont." It is probable that if he never had known what it is to "trouble the low and didactic order of popular ideas," his genius might not have filled its measure. For his genius is made up of what was lacking in his life—like a cast whose hollows produce a substantial model. The man who (as he assures us) never knew the fulness of love and equal marriage, the man who lived with a dissolute mistress a dozen years older than himself, or else with an ignorant servant-maid, invented the heroic passion of *La Nouvelle Héloïse*, and the noble married friendship of Julie and her husband; the father who exposed his babies, brooding on that crime, brought up the son he never knew with all the novel excellences described in *Émile*; the lackey, the secretary, accustomed to dine below the salt, evolved in a perfect passion for equality the terms of a new social contract which should exterminate a privileged aristocracy and announce the sovereignty of the nation; the exile, condemned to dwell on the monotonous plains of Chenonceaux or in the streets of Paris, remembered his Alps with such a pang that he caused a new vision of nature to enchant the eyes of all the world; in his miserable lodging and his cumbrous Armenian gown, the starveling copyist discovered the value of fresh air, exercise, cold water, and, for the new-born, of mother's milk, till he set loose from his garret the startling conception of hygiene. Having constantly suffered from the fellowship of men, he avows "une aversion naturelle pour l'ordre apparent de la société," a desire to "remplacer les choses dans leur ordre naturel," and a constant indignation "contre nos sottes institutions civiles, ou le vrai bien public et la véritable justice sont toujours sacrifiés à je ne sais quel ordre apparent, destructif en effet de tout ordre, et qui ne fait qu'ajouter la sanction de l'autorité publique à l'oppression du faible et à l'iniquité du fort."

Rousseau has been in turns adored and detested; he has never been neglected. Nor has he at any time ceased to

count—and this although many of his conceptions are obsolete, much of his intellectual output useless. What is it that makes his power? In spite of M. Lemaître, his immortality is not mainly due to his style. This might be true if it were a spoken style—the great oratory which appeals to the many. But written style touches the few—a limited number of people who have literary susceptibilities. A larger audience demands something that has relation to themselves; something that touches daily life and conduct. Rousseau gave the world this. We are, nevertheless, no nearer the secret of his strength, and the only fashion in which we can attempt to reach it is to begin with what it is not. It is not chiefly his political significance, or his actual contribution to thought. Even if, as a rough generalisation, it is true that he made the French Revolution, it was the worst part of it that he made. But, although he was one of the many who worked, unknowing, at the loom where it was woven, it was not he who created it. The ideas that evoked it were in the air. Rousseau was but the voice of the age—a voice crying from the Hermitage—not far from Madame de Warens, and very far from the wilderness. What was it, then, that gave him his hold on the world? It seems as if it were largely this—that the most personal and self-absorbed of men has in some ways had the most impersonal effect. He has lived on in the realm of ideals, perhaps in more varied forms (many of them opposed in seeming to his own), and among more different kinds of men, than almost any other modern genius. Some of his unconscious offspring, although they may not even have read him, have been his worst foes, have slain their father Parmenides; but no educationalist, from Miss Edgeworth to Goethe, hardly an idealist or moral reformer, from Ruskin to Tolstoy, can call himself free from Rousseau. Above all—and it is his chief achievement—he formed the Romantic School. Chateaubriand, Victor Hugo, George Sand, Michelet also, would rejoice to acknowledge their debt to him. He brought men back to Nature for her own sake—to love her lyrically. He evoked a new race of poets. Wordsworth himself in the years of his fervour for the Revolution must have drunk in the ideas of Rousseau and

found that Frenchman's passion for the country drew out a deeper chord from his own soul. Goethe and Schiller, in their earlier work, and Byron and Shelley are the spiritual children of Rousseau. He invented individualism in literature, that note of intimacy and, often, of morbid introspection, which makes the greatness and the smallness of modern art. Yet he was the sworn foe of individualism in politics! He was the initiator of something fresh—something of a strangely alloyed nature, both good and evil, but something which, whether good or evil, is ours now and indispensable.

The mixture is not wholly unexplained. Rousseau's position in time was perhaps unique. He is generally regarded as the prophet of a vital future, but he had in him as well all the dead roots of the past. No one was more rotten, or more fertile. Decadent, yet vigorous with the sap of youth, he lived in a frontier country, a land, therefore, of vexed issues; and none can clearly tell even now what was decay, what was promise, in him. The man who could blaze out in noble wrath at cruelty and preach the gospel of loving-kindness at the same time as he deserted his own children; who could thunder against rank and its luxuries, yet live luxuriously at the expense of great lords; who urged democracy and supported aristocracy; who wept over the charms of purity and proved them only by being an exception to its rule—was bound to bewilder himself and us. He is perhaps most bewildering in his *Émile*. There is nothing so unnatural as a return to Nature, and Rousseau was the least natural of men. A return always implies a divorce, and a divorce from some highly-strung reason—sensitiveness, satiety, discontent, aspiration, noble or other; all, more or less, the fruits of over-developed society. Every primitive Utopian, whether purely personal, like Shelley and Blake and Thoreau, or a dreamer for the world, or the maker of an eighteenth century Arcadia, has founded his desire for solitude on some such disgust with reality, forgetting the while that Nature is the greatest reality of all. Rabelais, alone, who turned to Nature from no quarrel with mankind, but because he wanted to fight asceticism—Rabelais alone saw,

whither natural instinct must lead men. He only had the courage to write *Fais ce que voudras* over his Abbey of Thelema. Rousseau, afraid of facing fact, preferred to write *Sensibility* over his portal, and plunged himself up to the head in a quagmire of untruth. Jesuit and Protestant, democrat and aristocrat, a votary of the arts and their denouncer, the defender of property in the *Encyclopaedia*, and, at the same moment, its virulent foe in public speech, a strict moralist, a lax liver—the evidence against him is irrefutable. Yet his exhortations to virtue were no hypocrisy. He wished men to lead a good life; he would have like to lead one himself, but he did not want the strain of trying. No one knew his weakness better than himself. "Floating between Nature and reason, I live in a perpetual contradiction and do nothing I wish to do," so he wrote to the great doctor, Tronchin. And again, in his *Rêveries d'un Promeneur*: "This comes from a versatile temperament which a turbulent wind always agitates, but which regains calm the instant that the wind ceases to blow. It is my ardent nature which perturbs me, and my indolent nature which pacifies me."

In his own time he could produce chaos, such a classic of confusion as *La Nouvelle Héloïse*; such topsy-turvy reforms as induced great ladies to have their babies brought to the opera that they might nurse them in their boxes. But what is his real worth? It is emotional, not intellectual—a contribution to art, not thought. He initiated something greater than the Romantic Movement. He introduced into art the idea that motive is more than deed. The Quietists had already translated it into practice and had done not a little deal of harm by it. In the hands of Rousseau, the artist, it was equally dangerous. "I am a slave to my vices," he owns, "in my remorse I am free." But though the conception brings its perils, it is also one of the grandest, and it has done great things in literature; nor could we to-day do without it.

Rousseau possessed deep qualities, but despite them he was essentially a writer. When he was discussing with Diderot the essay that made his fame, about the influence of the arts upon the world's progress, he announced himself

as their champion. But when Diderot urged him to take the opposite view, as more interesting, he consented, and wrote a burning indictment of art and science as the corrupters of humanity. Nor was he altogether insincere. Sooner or later, he was bound to turn into the foe of civilisation, and his false arguments probably first set him imagining the evils it had wrought upon men, and helped him to formulate his message. The essay was a pure piece of journalism, and of journalism he was as great a genius as Jonathan Swift himself. It was this brilliant faculty which enabled Rousseau to furnish eloquent tags, such as became the trumpet-calls of the Terror—such as made Robespierre and Saint-Just and Madame Roland quote him, and Marat read him aloud to an acclaiming audience.

The men who proved to be formative influences in the mental atmosphere of Rousseau were many and diverse. Plato and Montesquieu, Hobbes and Locke, Grotius and Pufendorf and Barbeyrac all furnished their contribution. Of these by far the greatest in his mental horizon were Plato at the beginning of his career and Montesquieu towards its close. Hobbes and Locke moved much more by way of repulsion than by way of attraction, but they moved him. As these influences are diverse, it is but natural that Rousseau's nature should reflect their mental diversity. If on the one hand he proves the champion of individual liberty, on the other hand he proves the champion of the corporate life. If he is the heir of Plato, he is no less the heir of Locke. The Platonic element in his mixed mental thought gains steadily at the expense of the Lockean, with the outcome that he stands before us substantially as the champion of the utter sovereignty of the State. The devotion to country comes to outweigh any rights of the individual. From the glowing pages of Plutarch he came to feel a thrill as he contemplated the lives of Fabricius and Regulus, Agesilaus and Lysurgus. Hence, in a passage of his *Économie politique*, he puts even Socrates below Cato. "For Athens was already lost, and Socrates had no country left but the wide world; while Cato never ceased to bear his country in the inmost chamber of his heart; he lived for



nothing but his country, and could not bring himself to outlive her."

The attraction Rousseau felt for Montesquieu is apparent in many passages in his writings. Take a couple of them. "Before putting up a large building, the architect observes and tests the soil," according to Rousseau, "in order to see if it can bear the weight. In the same way, the wise law-giver begins not by drawing up the laws which are the best in themselves, but by examining whether the nation is capable of bearing them." Take a second passage also from the *Contrat Social*: "Liberty is not a fruit which grows in all climates. It is therefore not within the reach of all nations. The more we reflect on this principle established by Montesquieu, the more its truth will be felt. The more it is disputed, the larger the opening for establishing it by fresh proofs." Nor are these isolated passages in the *Contrat Social* which devotes a fifth part to a consideration of the points lying at the very base of the *Esprit des Lois*. The parts taken by outward circumstance, inherited character, and historical tradition find their due place in the thought of Rousseau, and in the importance he attaches to these three elements he is a true disciple of Montesquieu. At the same time we freely admit that had it not been for the demands made upon Rousseau by the patriots of Geneva, Corsica and Poland begging him to assist them in their task of devising a constitution for their respective countries, it is quite likely that the influence of Montesquieu would not have been quite so marked as it came to be. It is tempting to think of Rousseau as we do of Carlyle, as if there had been two Rousseaus. There is the Carlyle we like, and he writes before 1850. There is the Carlyle we dislike, and he writes after that year. The Rousseau of the *Contrat Social* is not the man who wrote the *Le Gouvernement de Pologne*. The second, *Discours sur l'inégalité*, the *Nouvelle Héloïse*, *Émile*, and the *Contrat Social* were all written between 1753 and 1762. During these ten years the brain of their author must have been working at the highest possible pressure.

There is little in the first *Discours sur les Sciences*,

published in 1755, to attract the political philosopher except indirectly. In it Rousseau affirms the supreme importance of the moral virtues, and denies their dependence on the intellect of man. The corruption of mankind, he points out, is due to "the fatal inequality which springs from the exaltation of talent and the disparagement of virtue." He denounces "the invention of the odious words mine and thine, the division of mankind into the cruel and brutal beings known as masters and the lying rascals whom we call slaves." The Academy of Dijon proposed the question, *Quelle est l'origine de l'inégalité parmi les hommes, et si elle est autorisée par la loi naturelle?* In his second *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, Rousseau answers this question in a tone of the most fervent individualism, which reminds us of the opening remarks of the *Contrat Social*. In it he takes up the ideas of the first *Discours* and expands them. The state of nature in which men lived originally is neither so dark as that of Hobbes nor so bright as that of Locke. The one writer imports the vices, the other the virtues, of civilisation into a state which is its antipodes. The state of nature, if it existed at all, must rather have been a state of isolation; a state in which each man lived solely by himself and for himself.

In time man advances, though how he does so we do not quite know. We find the institution of the family which means mutual dependence and which also means the beginnings of property. "The first man who enclosed a plot of ground and bethought himself of saying *This is mine*, and found others foolish enough to believe him, was the true founder of civil society." A contract confirmed this advance due to the creation of law and the formation of the State. The contract, we note, is compatible with many forms of government. This second *Discours* and the *Économie politique* regard property as the very foundation of society, a position which is the exact opposite of that maintained in the *Contrat Social*. The conclusion of the second *Discours sur l'inégalité* is amazing. We are astonished to read not merely that there are evils in all forms of government, but that these evils are inseparable from all these forms. We

are asked to come to the attitude of a Mohammedan to what Rousseau apparently regards as the inscrutable decrees of destiny. In a spirit of unredeemed pessimism we are told to conclude that "the vices which make social institutions a necessity are the same vices which, at a later stage, make the abuse of them inevitable." As in his *Contrat Social*, in his *Discours sur l'inégalité* he dislodges the idea of natural law. From the days of Heraclitus in the sixth century B.C. men had lived under the domain of the law of nature. Hooker and Grotius, Hobbes and Locke had all given it a fresh lease of life. Spinoza was one of the few thinkers who escaped partly from its dominance. Its removal from the domain of political philosophy is one of the most outstanding features of the work of Rousseau.

In the ideas of Spinoza might and right were inextricably confused together. With Rousseau there is an impassable gulf fixed between them, and he concentrates his attention in his *Contrat Social* (1762) on a determined attempt to regard right alone as the true ideal. As he was so much under the dominance of Montesquieu, one would expect that our author should regard right as subject to the process of evolution. Man cannot shake off the past. Rousseau felt this, and in his two *Discourses* he adopts the attitude that the advance of man is not forwards, but backwards. Right is not subject to stages in its evolution. The golden age lies in the past; it does not stretch forward into the future. Right, then, belongs to the past when lived in this golden time. The same idea appears in the opening words of the *Contrat Social*: "Man is born free, but everywhere he is in chains." "The clauses of this Contract," according to him, "are so completely determined by the nature of the act that the smallest deviation would make them null and void. Hence, although they may never have been formally declared, they are everywhere the same; everywhere tacitly admitted and recognised, until the moment when, the social pact being broken, each individual re-enters upon his primitive rights and resumes his natural freedom, thus losing the conventional freedom for the sake of which he had renounced it.

These clauses, properly understood, reduce themselves to

a single one; that is, the total surrender (*aliénation totale*) of each associate with all his rights to the community at large. . . . If then we put aside all that is not of the essence of the Contract, we shall find that it reduces itself to the following terms. Each of us throws himself and all his powers into the common stock, under the supreme control of the general will; and, as a body, we receive each individual member as an inseparable part of the whole.

At that very instant and in virtue of this act of association, the individual self of each contracting member is replaced by a moral and corporate body, composed of as many members as the Assembly contains votes. And from this same act this collective body receives its unity, its corporate self (*son moi commun*), its life and its will."

The sanction of this Contract is obviously nothing else but the united force of the community as a whole. "In order that the social compact may not prove an empty formula, it includes the tacit undertaking that, whoever refuses to obey the general will shall be compelled to obedience by the whole body of citizens. But this means nothing more than that they will force him to be free."

Hobbes at first urges that the fear of war, consequent on the breaking of the pact, will induce men to keep it, though later he introduces by a side wind the idea of duty. Spinoza shares the first opinion of Hobbes, and refuses for a single moment to share the second. Locke feels that a sense of utility will bind men to obedience. On the other hand, Rousseau holds that sense of duty is paramount. "The passage from the state of nature," he believes, "to the civil state brings about a momentous change in man. In his conduct, it replaces instinct by justice, and gives to his acts a moral character which was wanting to them before. The voice of duty takes the place of physical impulse; right supplants appetite. Now for the first time, man, who hitherto had thought only of himself, sees himself forced to act on other principles, and to consult his reason before listening to his desires. It is true that in the civil state he deprives himself of many advantages which he holds from nature. But, in return, he gains advantages so great, his faculties are so trained and developed, his ideas so enlarged,

his whole soul exalted to such a degree, that, if the abuses of the new order did not often degrade him below the level of that from which he has escaped, he ought without ceasing to bless the happy moment which tore him for ever from the old order, and which, of a stupid and limited animal, made him a reasoning being and a man."

The Platonic conception of the State has come to life again. Only in and through the State can a man realise all his faculties; only through the State is the good life possible. Man used to live for himself; now he lives for the State. He used to possess an individual self; now he is part of a corporate self. Nay, he is this corporate self. He used to possess an individual will which is now replaced by the general will of the community as a whole. This notion of the general will is one of the most important—and valuable—elements in the whole of the new theory. Rousseau elaborately explains that by the general will he does not mean the sum of the individual wills taken separately; but the corporate will which, from the nature of the case, belongs to a body having a common life, an organised being, of its own. The simple process of counting heads will not necessarily disclose this will. Indeed, we learn that "*la volonté générale est rarement celle de tous.*" It implies a collective consciousness, the complete realisation of the different selves with the State, which gives unity to the mass of the people. Rousseau himself is not always consistent in his own account of "*la volonté générale,*" and, indeed, sometimes identifies it with the will of the majority. Such, however, is not his real meaning. Once Platonic ideals reign in the minds of men, it is obvious that they possess through the State a corporate body with a necessarily corporate expression of it in the general will.

The general will results in action, and the most obvious form of action is the enactment of a law. Law with our author is an expression of the general will. Clearly, the whole body of the citizens must frame the enactment, for the law that gives them being, the Social Contract, confers sovereignty on them. "*Tout Gouvernement légitime est républicain.*" Hence "*pour qu'une volonté soit générale, il n'est pas toujours nécessaire qu'elle soit unanime, mais*

il est nécessaire que toutes les voix soient comptées; toute exclusion formelle rompt la généralité." Rousseau was well aware that in Poland one nobleman could interpose his veto, and when he did so, no measure could pass. Obviously such a plan imposed not the general will, but the will of one individual. Rousseau's conception is entirely removed from this, and is thoroughly Greek.

In nothing political do we differ more from the ancient world than in the disappearance of the lawgiver, the Moses and Solon, the Lycurgus and Minos, the heaven-born statesman to whom the citizens commit the task of the making of the law. In the classically-minded Swiss we are not altogether surprised to note that he favours the antique plan. In general his State is a democratic one; there is no Caesarism in it. Legislation forms the outstanding exception, for in this department of its life we find that the *Contrat Social* calls in the aid of the lawgiver of old. Such a man "must feel himself in a position to change the nature of man; to transform each individual, who in himself is a self-contained and isolated whole, into part of a larger whole, from which he receives, in some sense, his life and his being. He must feel himself able to alter the constitution of man, with a view to giving it greater strength; to put a dependent and moral existence in place of the independent and physical existence which we have received from nature. In a word, he must take from man his natural powers, in order to give him powers which are foreign to him, and of which he can make no use without the help of others. The more completely those natural powers are mortified and annihilated, the greater is the strength and durability of those which he acquires; the more solid and perfect, moreover, is the work of the Lawgiver. It follows that, if the individual citizen is nothing and can do nothing without the aid of all the rest, if the powers acquired by the whole body are equal or superior to the sum of the powers belonging by nature to all the individual members, then we are entitled to say that the legislation has reached the highest point of perfection which it can attain."

The making of the Contract bestowed upon man many qualities, and the creation of the Lawgiver adds to these

qualities. The Moses and Solon, the Calvin and Cromwell of the eighteenth century are vital to the State of the Swiss secretary. Indeed, it almost seems as if the Lawgiver was a more noteworthy factor in the Commonwealth than the Contract itself. For we are assured that if "the Contract gave life and being to the body politic, it is for the Lawgiver to endow it with will and motion." What the condition of a corporate body without will and motion is we are utterly unable to divine. Still, such is the view put forward by Rousseau. At the same time he makes it quite clear that the *Übermensch* who is to legislate is subject to the control of "la volonté générale." He cannot impose his superhuman code upon the citizens without their consent. "The people has no power to lay aside or transfer its rights, even if it wished to do so. For by the original compact it is only the general will that can bind the individual. And there is no assurance that the general will is represented by the will of the Lawgiver, until the matter has been submitted to a free vote of the people, as a whole." The individualism of the second *Discours* and the opening sentence of the *Contrat Social* are utterly forgotten in such a statement of sheer collectivism. The teaching of Locke is not remembered, or is remembered simply to be discarded. For Locke allows the individual to lead all his real life, which is his moral life, apart from the State which simply protects his property primarily and his life and liberty perhaps secondarily. Paine followed in the steps of Locke when he wrote that "government, even in the best State, is but a necessary evil; in its worst, an intolerable one." How far we are removed from the position of 1762 is evident when we note that the private life of man is nothing and his public life everything. Through the signing of the Contract man becomes truly himself. Rousseau insists that "to the gains conferred by the civil state must be added that of his moral freedom. And it is this alone which makes him master of himself. For the promptings of mere appetite are slavery; and obedience to the law which we impose on ourselves is what constitutes freedom."

It is not usual to couple the names of Rousseau and Burke, and we know what the greatest political philosopher

of the British race has said about "refining speculatists," "atheistical fathers," "political aeronauts," "smugglers of adulterated metaphysics," "metaphysical knights of the sorrowful countenance," and the like. At the same time Burke is as much taken aback by the view of the State as a sort of policeman as Rousseau himself. It is no mere body whose chief duty is to ensure the keeping of contracts in business. With all the eloquence and all the insight at his command Burke points out that the State is a divine institution. For, according to the Irish thinker, "without society man could not by any possibility arrive at that perfection of which his nature is capable, nor even make a remote and faint approach to it. He, the Divine Author, gave us our nature to be perfected by our virtue. He must therefore have willed the means of its perfection. He must therefore have willed the State, and He willed its connection with Himself the source of all perfection." It is in truth a conception as old as Cicero, and as recent as Hegel and the powerful school founded by Fichte and himself. Society is a partnership, an association for the greater purposes of our being, for the promotion of science, art, virtue. "It is," Burke holds with passion, "not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are yet to be born."

Like Burke, Rousseau almost passes by the question of origins. In the *Contrat Social* he has comparatively little to say about such matters. Still, he will not allow such orthodox origins for the State as the family and force. Unlike Aristotle in classical times, and unlike Locke in the seventeenth century, he argues that though the family may have served as the model for the State, yet the State is no mere offshoot of the family. Nor will he admit that force either in the background or in the foreground has founded the State. Neither the family nor force can give



birth to right, which is of the very essence of what Contract has effected for the sons of men. The only origin that he can admit is Contract, and he urges this origin as passionately as Burke urged his origin. Though there is not much in the *Contrat Social* on the State as an organism, a matter which is worked out in his *Économie politique*, yet this conception pervades it, inspiring the conception of "la volonté générale." The self of the individual is part and parcel of the State, and indeed so much is this the case that the individual is the State. For he exercises no will save in a corporate capacity. The story of the member of the Church of England who was pressed to explain the nature of his beliefs is one of which the Secretary would have approved. "What do you believe?" inquired the critic. The reply was, "I believe what the Church believes." "And what does the Church believe?" "The Church believes what I believe." The State is, in the classical sense of the term, a corporation, with a life of its own quite apart from the lives of the members of which it is composed. Clearly there is a distinction—urgent need for a distinction—between the general will and the will of all, between "la volonté générale" and "la volonté de tous."

Rousseau allows, as we have seen, Caesarism in legislation, yet this Caesarism is under the control of "la volonté générale." Law is the organ of the general will. Legislation must be general in character. "Comme la chose statutée se rapporte nécessairement au bien commun, il s'ensuit que l'objet de la Loi doit être général ainsi que la volonté qui la dicte." The father of the theory of sovereignty, Bodin, is emphatic on the point that the test of supreme power is the right of uncontrolled legislation, and Rousseau in this respect is absolutely at one with him. "By what mysterious skill," asks Rousseau, "was the means discovered for bringing men into subjection, in order to make them free? for employing in the service of the State the possessions, the arms, the very life, of all its members, without constraining them and without consulting them? for enthralling their will with their own permission? for vindicating their consent against their refusal, and for forcing them to punish themselves when they do that which they have not

deliberately willed? How can it come about that they obey while none commands them, that they are servants and yet have no master; all the more free in truth, because, under the appearance of subjection, no one of them loses any part of his liberty except that which runs counter to the liberty of another? These miracles are the work of the Law. It is to the Law alone that man owes justice and freedom. It is this beneficent organ of the will of all which re-establishes in the world of Right the equality which belongs to man in the state of nature. It is this voice from heaven which dictates to man the commands of the corporate reason (*la raison publique*) and teaches him to obey the maxims of his own judgment and not to be for ever in contradiction with himself. The laws constitute the sole motive power of the body politic, which acts and feels only through them. Without them, the State would be nothing more than a body without soul, bare existence without action. For it is not enough that each should submit himself to the general will. In order to comply with it, he must know it." The signing of the Contract was the action of men of public spirit, and a man of this Greek type is as selfless as mortal man can be. "En effet," accordingly to Rousseau, "*la première loi, la seule véritable loi fondamentale, qui découle immédiatement du pacte social, est que chacun préfère en toutes choses le plus grand bien de tous.*"

Rousseau realises as acutely as Locke the distinction between Sovereignty and Government, between the legislative and the executive. The main mark of sovereignty is the legislative power, and whatever body possesses this power is the sovereign. Accordingly, so long as the people can legislate freely, he manifests little concern as to the form of government, whether it be monarchy, aristocracy, or democracy. If democracy is the executive as well as the legislative, is there not danger? Is not the multitude apt to be suddenly swept by gusts of passion? Is it not liable to commit acts of folly and injustice? Is it not likely to allow the few effectively to control affairs? Rousseau comes to the conclusion that "if there were a nation of gods, its form of government would be democratic.

So perfect a government is not adapted for men." The plight of monarchy is more serious, for the sovereign may become a tyrant who desires war, "and war is, with tyranny, one of the two worst scourges of mankind." There is more hope for aristocracy, as, following in the steps of Montesquieu, it distinguishes sharply between the executive and the legislative. It lodges the former in what we may call a Cabinet. For in truth what Rousseau calls aristocracy we call democracy. The main difference is that the people, not the King or the President, appoints the Cabinet.

The City-State of the Greeks and Romans was both Church and State in one. There is no problem of Church and State till the days of the Reformation. Neither paganism nor Roman Catholicism, in Rousseau's opinion, serves the ends of the State. Paganism is false, and the State cannot worship falsity. History shows that Roman Catholicism has repeatedly waged war with the State, and the Protestantism of Rousseau comes out in the statement that "to offer further proofs of its badness would be mere waste of time." All forms of Christianity are other-worldly, and all of them lay stress on the salvation of the individual soul, and these two ideas work havoc with the Social Contract. Accordingly its creator devises a civil religion with a few and simple dogmas of "the existence of a God of power, reason, goodness and loving providence; the life to come, the happiness of the just and punishment of the wicked; the sanctity of the Social Contract and of the Law. . . . But whoever dares to say 'Outside of the Church none can be saved' ought to be driven out of the State; unless, indeed, the State is the Church, and the Pontiff the chief magistrate."

The creed of Rousseau meant persecution. The test he applied pressed severely on the one hand on the ardent Roman Catholics and on the other hand on the atheists or agnostics. These sets of men fail to satisfy the test, and as the outcome of this failure they are to be driven out of the State or, under certain circumstances, they are to be put to death. There is not the slightest reason to think that persecution is a monopoly of the Church; it is the privilege of those who possess power. C. H. Spurgeon once

enlivened his discourse in the Metropolitan Tabernacle by announcing that the Baptists had never persecuted. When the applause greeting this announcement had ceased, he proceeded to remark: "The Baptists have never persecuted because they have never been in a position to do so." Before the advent of Christianity the classical State persecuted men for the opinions they held, for the case of Socrates is by no means unique. No doubt in classical days there was much tolerance, but there was also some intolerance. The first religious persecutors were the Persian Fire-worshipping kings of the Sassanid dynasty, who now and then worried their Christian subjects. The utilitarian State of Locke has persecution among its articles. The classically-inspired State of Rousseau also has persecution among its articles: Nor is it necessary to say that the anti-Christian Russian State practises persecution on a wholesale scale.

"In a higher world it may be different," wrote Cardinal Newman, "but here below to live is to change, and to be perfect is to have changed often." In this sense Rousseau continued to advance unsteadily towards perfection. His main ideas remained as they were formulated in the *Contrat Social*. At the end of his life, as during the wonderful years from 1753 to 1762, he advocated the "total annihilation" of the individual, the replacement of the personal by the corporate self, and the corresponding right of every individual to an equal share in the government of the whole. The wider his range of experience grew, the more he realised that the perfect State had its "pattern laid up in the heavens." What Plato had realised, he came to realise. The author of the *Gouvernement de Pologne*, written during the winter of 1771, has to provide practical advice for men who wish to devise a constitution for a distracted country, and the Rousseau wise with the wisdom of years perceives that his conception of right is not a workable one. To paraphrase a remark of Bentham, so wrote Rousseau in 1762, but not so Rousseau wrote in 1771. Like Bentham, he came to see that he had greatly overrated human nature. He had over-estimated its intelligence and its capacity to realise the classical ideal.

The *Contrat Social* formed part of the book Rousseau meant to write which he proposed to entitle *Institutions politiques*. He intended to treat of federations. There is a passing reference to this subject in the *Contrat Social* and in his *Émile*. From the scanty remains he left behind him it is clear that he thought that Federation would accomplish for the small State what Contract had accomplished for the individual. It is, in fact, the crown of Contract, completing its work. The Federation will preserve the State from the danger of war, and he has the small State specially in his mind. It will also preserve the State from the no less serious danger of tyranny. Between States he dreams of something more serious than a mere treaty of alliance. He remains, however, in doubt, for how will the plan of federation interfere with his favourite, the small State? If the new bond trenches on the sovereignty of the small State, can he favour it? He envisages this problem, though he leaves no solution of it.

The influences of the two Rousseaus is evident in the writings of Fichte. He began his intellectual life as an ardent individualist, and he ended it as a no less ardent advocate of the "absolute State." Like Rousseau, he favours the—subjection is his term—surrender of the self of the individual to the State. Unlike Rousseau, he has no belief in popular control. His chief works are the *Beiträge zur Berichtigung der Urtheile über die französische Revolution* (1793), his *Grundlage des Naturrechts* (1796), his *Die Grundzüge des gegenwärtigen Zeitalters* (1804–05), his famous *Reden an die deutsche Nation* (1807–08), and his *Staatslehre* (1820). The State is all-powerful; the individual is powerless. For Fichte holds that once the State is established on the basis of right and reason, the community has all it requires. He failed to see that if the State—or rather the Government—does everything on behalf of the people, all becomes machinery with the mass of men as simply wheels to be driven. The rights of the government over its subjects are unlimited, and so are its rights against neighbouring States. Between one nation and another nation, he holds, there is always, either actually or virtually, a state of war; the war of all against all which

Hobbes decreed to the individual in the state of nature. To Fichte, as to Machiavelli and Hobbes, the cardinal virtues of that condition are force and fraud. In his *Beiträge* he banishes morality from politics. He gave a new turn to the theory of contract when he saw the absurdity of basing the coercive power of the State on the supposed consent of the individual. He points out that it is only in the name of a law which exists quite independently of the individual that the individual can be controlled.

It is not too much to say that the political philosophy prevalent in Germany during the generation before 1914 is to be found in Fichte's writings. He is the father of the doctrines of Treitschke. Pan-Germanism is implicit in the *Grundzüge*, where we learn that "it is true that the civilisation of each individual State is no more than one-sided. But every State is tempted to regard its own civilisation as the best, and to believe that the inhabitants of other Empires should hold themselves lucky to become members of it. . . . The most civilised State in every age, without exception, is also the most aspiring." It is not difficult to make the transition to Houston Chamberlain's *Foundations of the Nineteenth Century*.

Fichte adopts the evolutionary beatitude, Blessed are the strong, for they shall prey on the weak. There is little to choose between the *Principe* of Machiavelli and the *Grundzüge* of Fichte, who teaches in it that "it is the natural tendency of every civilised State to widen its borders on every side and to take up all available territory into its own civic unity. So it was in ancient history. . . . And in modern times, as each State has acquired inward strength and as the power of the Church, whose interest it was to divide Christendom, has been gradually broken, this tendency to set up a universal Monarchy over the whole of Christendom was bound to reveal itself. . . . Hence it is that every State strives either to assert its rule over Christendom, or, failing that, to win the power of doing so at some future time; to maintain the balance of power, that is, in case another State seeks to disturb it; and, in dead secret, to secure the chance of disturbing it hereafter on its own account. Such is the natural and necessary

course of events, whether it be admitted, whether it even be consciously realised, or no." This fashion of dotting the i's and stroking the t's of Rousseau's ideas is not one that can commend itself to the conscience of mankind.

Fichte asserts in the plainest terms the eternal privilege of those who make contracts to break them. He bases his plea on the Machiavellian separation of politics from morals and on the absurdity of turning questions of natural right into a crusade on behalf of honesty and the moral law. Rousseau's Lawgiver appears in the form of the *Übermensch*. Anticipating both Carlyle and Nietzsche, Fichte writes: "To compel men to adopt the rightful form of government, to impose Right on them by force, is not only the right, but the sacred duty of every man who has both the insight and the power to do so. There may even be circumstances in which the single man has this right against the whole of mankind; for, as against him and Right, there is no man who has either rights or liberty. He may compel them to Right, that being an absolutely definite conception, valid for all men alike; a conception which they all ought to have and which they all will have as soon as they raise themselves to his level of intelligence, and which, in the meantime, thanks to the grace of God working in him, he holds in the name of all and as their representative. The truth of this conception he must take upon his own conscience. He, we may say, is the compulsive power, ordained of God."

The sway of Rousseau over Kant is as unmistakable as it is over Fichte. In a glowing tribute, Kant compared the work of Rousseau in the moral world with that of Newton in the field of physics: the simplification of physical law accomplished in the *Principia* with the simplification of the moral law—the revolution in our estimate of man's worth, as man—which we owe to the author of *Émile* and the second *Discours*. Kant's *Rechtslehre* (1797) manifests in every page the thoughts of the *Contrat Social*. Of course the *Rechtslehre* is the *Contrat Social* with a difference. The actual contract of Rousseau is no longer historical. Shorn of the glory of being even a "tacit understanding," it is reduced to the position of a "regulative idea." It offers no guarantee of right, and, in spite of the ideas of Fichte, Kant

asserts the right of the State to compel the individual to enter it.

Hegel, like Kant, based his system upon a spiritual idea, though the two thinkers differed widely in the treatment of that idea. Kant set out from the world of individual consciousness, Hegel from the world of externalised knowledge and of organised institutions. Kant was as determined to analyse an idea as Hegel was to trace its growth in history. In his *Phänomenologie des Geistes* (1807), his *Philosophie des Rechts* (1830), and his *Philosophie der Geschichte*, the substance of lectures delivered to the students of Berlin at intervals during the years from 1822 to 1831, Hegel unfolded his seminal ideas. No student of them can afford to neglect the circumstance that these were the years of the French Convention, the Empire, the War of Liberation, which stirred Prussia to the core, the Holy Alliance, and the second French Revolution. It was a time when political institutions were being thrown into the melting pot with unexampled rapidity, and during it the life of the philosopher is to be measured not by the years he lived, but by the experiences he had undergone. History obtruded itself upon his attention as it never had obtruded itself upon Kant's. If he believed with Kant that there is nothing in the world of man's experience which is not the creation of reason, he also added to this belief that reason is essentially the principle of growth, of evolution.

From lofty heights Hegel surveys the progress of the world, and he surveys it as one who deemed that its final cause is the Spirit's consciousness of its own freedom, though by this freedom he practically means self-consciousness. He defined universal history as the description of the process by which the Spirit of God comes to the consciousness of its own meaning. Such freedom does not in the least mean that the Spirit could choose at any moment to develop in a different way; its actual development is necessary and is inevitably the embodiment of reason. Freedom simply consists in fully recognising this fact.

Hegel is not content to state his views as it were in vacuo. He seeks for freedom and for development in the pages of history, and of course he finds them. "Freedom, and



freedom alone, is the truth of the life of the Spirit." Nor is development a merely formal process-development of nothing in particular. "It is the gradual working towards a determinate end. That end is the realisation of the Spirit; and, more precisely, of the Spirit according to its essential principle, the principle of freedom."

History, political history, enables the thinker to perceive stages in the evolution of freedom. Omitting the pre-historic ages of man, Hegel sees the beginning of his long course of development in the nature civilisation of China. The Spirit, breeding over the universe, moves from nation to nation in order to realise the successive stages of its self-consciousness. He follows its movements from China to India, from India to the kingdoms of Western Asia; then from the Orient to Greece, then to Rome, and finally to the Germanic world. In the East, men knew only that *one* is free, the political characteristic being despotism; in Greece and Rome they knew that *some* are free, the political forms being aristocracy and democracy; while in the modern world they know that *all* are free, the political form being monarchy. The first period he compares to childhood, the second to youth (Greece) and manhood (Rome), the third to old age, old yet not feeble. In the third he includes the mediaeval and modern history of Europe, which he characteristically regards as the Germanic world, for "the German spirit is the spirit of the modern world," and obviously this third period is also the ultimate one. Through these three periods Hegel, from a height, insists that the final cause of history is slowly yet surely realised through the conflict of the private desires and the public passions of men and nations, which the universal reason, in its craft, employs and sacrifices for its own advantage. Underlying these private desires and these public passions there are universal principles, which are gradually evolved by the very activities of warring desires and intellects. The outcome of this prolonged struggle is the State founded by great men upon particular passions and principles.

The age in which his lot had been cast deeply coloured his thought. As he eagerly longed to resist and defeat liberalism, the principle of which he deemed to be the supremacy

of mere self-will, he fell back on the old notion that man exists for the State. With this idea in his mind, he persisted in maintaining the general will realised in the State is the essential law of reason, that all morality lies in the individual or subjective will surrendering itself to that general or objective will, and that in such self-surrender lies all true freedom. If Kant criticised, Hegel comprehended. Had philosophy any right to pass beyond what was? Was not comprehension its main task? After all, what is rational is real, and what is real is rational. Such an attitude naturally gave unmixed satisfaction to the Prussian government. For the philosopher supplied them with a vindication of the policy this government was pursuing. He taught the supremacy of the will of the State, the precise policy required by the pressing needs of the moment.

The world-spirit, or the spirit of history, according to Hegelian teaching, is not to be found wherever men are, but it is always building up or breaking down some particular nation which it encounters on its path from east to west. It is ever in some positive definite form, and it is ever moving forward in a single straight line. It is the one subject which produces and passes through in succession the various phases of faith and culture, always shedding its old skin before it assumes a new. It left China for India, India for Persia, and it left the east for the west. Nor has it ever inhabited two places at once or one place twice. Progress has passed by China, leaving its teeming millions for ever on the lowest rung of the ladder of history, and leaving all other nations on the particular rungs to which the Spirit raised them in its fleeting visit. Of course that Spirit or Geist finally settled in the German mind. In the world of Germany God has realised his freedom completely in history, and in Hegel's own absolute philosophy God has completely understood his own nature.

Progress there had been, but progress had accomplished its great task, for it had given birth to the Prussian State. A mind like Hegel's, intoxicated with the Absolute, might seem satisfied with the outcome of the long course of evolution, but non-Prussians were not all of this singular opinion. The great world purpose was that the Absolute should

realise itself in time, and in this task of realisation, the happiness or the history of the individual did not matter a single jot. The individual must be sacrificed on the altar of the Absolute. The politician found it easy to put the State in the place of the Absolute, and the former was as relentless in its utter regard of the worth of the individual. The *Philosophie der Geschichte*, just as much as the *Contrat Social*, all unwittingly left men under the bondage of the State. Yet Hegel grasped the connection between politics and morality more vigorously than any of his predecessors. He traced the debt of the individual conscience to the instinctive sense of the community, and he insisted in founding the idea of progress on the nature of reason itself. This progress was realised in the State, which gave the individual a vital participation in all the deepest concerns of humanity.

If Rousseau had been a happy man, if he had never written the second *Discours*, *Émile* and the *Contrat Social*, would he have cared so intensely as Hegel for the public weal? Would there have been a French Revolution? Of course there would, though it might not have taken the form it did. Had he written nothing at all, famine and taxation would have provided the French Revolution. In a land where the peasants pay eighty per cent. in taxes and *corvées*, and where it is not possible to buy bread in the great towns, there is no need of a philosopher to produce an upheaval. In the words of Taine the Revolution was a "jacquerie rurale" before it touched the malcontents of Paris. All that Rousseau did was to afford an "état sentimental," which made the Revolution what it was—a sort of orgy of hope and sensibility in the midst of bloodshed. The bloodshed, however, should not be put down to his account alone. The Jacquerie and the Wars of Religion showed all the French could do, without applying to the little man from Geneva. What was his was that new vein of optimism, not yet exhausted (still immensely powerful, for instance, in America), which led men to conceive that by abolishing some superannuated privilege, or following some new course of life, or inventing some new doctrine—by some new method of democracy, or prohibition, or such like—the world might instantly enter on a smooth career of happiness and harmony.

These bands of hope and manufacturers of transformation scenes are some of the indestructible offspring of Rousseau. The fanciful and foolish idealism, which is the curse of the modern world, also traces its descent from him. Thinking of this aspect of his influence, Lord Morley said to a friend shortly before his death, "Would it not have been better for the world if Rousseau had never been born?"

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## Chapter IX.

### REVOLUTIONS, AMERICAN AND FRENCH, AND BURKE.

IN not a few respects the American Revolution forms the most important event in modern history. If the Revolution of 1649 makes the first revolution, that of 1688 makes the second, that of 1776 the third, and that of 1789 the fourth.

The difficulty with an historian in search of causes is to date their beginning, and we have every sympathy with the historian of the World War who found its real origin when Germany turned from the Mediterranean to the North Sea, thus initiating all unconsciously the rivalry between the two sea powers. It is of course possible to find the beginning of the American Revolution in the pact signed by the Pilgrim Fathers in the cabin of the *Mayflower* in 1620. We are, however, on surer ground in noting the altered position of Parliament when it pronounced on May 19, 1649, that "the people of England and of all the dominions and territories thereunto belonging are . . . a Commonwealth." For it is not too much to regard Oliver Cromwell as the first great Imperial statesman. Ireland had come under the sway of the Parliament sitting in Westminster, and all measures enacted in England possessed binding force in Ireland. What the Irish had long realised the colonists realised in 1651, when the Navigation Act made itself felt among them. Nor is this measure unique. Through their agents in London or through men like Increase Mather the colonists petitioned against the passing by Parliament of bills objectionable to them, yet they never raised the point that all such bills were illegal. How, indeed, could they? For after 1688 men began to recognise the omni-competence of Parliament. The Navigation Act of 1696 indeed asserts that any laws, bylaws, usages or customs in the colonies contrary to it "or to any other law hereafter to be made in this kingdom, so far as such law shall relate to or mention the plantations," shall be illegal, null and void.

By the middle of the eighteenth century every British colony, except Maryland, Pennsylvania, Connecticut and Rhode Island held charters from the crown, and even in the proprietary colonies of Maryland and Pennsylvania there was plain evidence of the royal connection. That is, all save four came directly under the control of the king. True, parliament manifested some opposition, with the outcome that there was no common and centralised system of administration. Still, all the colonies save four owned a governor, a council, patent officials and provincial officials, who looked to the king as the legal source of all their authority. After 1660, so far as the colonies were concerned, each Stuart sovereign could say, "*L'état, c'est moi.*" Isolation, environment, religious differences combined with racial differences rendered it difficult for the colonies to pursue any course of joint action, and, indeed, the only bond between them lay in their legal subordination to the Crown. Wars with the Indians and the French stimulated them occasionally to take co-operative measures, yet even this co-operation happened only when the British Government took the initiative. They regarded each other as "foreigners" in the mediaeval sense of the word, that is, men of other communities, and they often used this term to designate their neighbours. They were so locally minded that they refused to sacrifice any of their own power for the sake of a federation that would protect them from external dangers. The authority of the King in Privy Council or in the Board of Trade was distant and certainly evadable; the authority of the other colonies was present and perhaps non-evadable.

In 1649 the English Parliament had declared its imperial character to all and sundry. This declaration lacked the impressiveness which the Seven Years' War (1756-63) conveyed much more plainly. Imperialism costs money, as the Government found out. Why not, asked men like Grenville, ask the colonies to contribute to a war which was at bottom in their defence? The Board of Trade and the Privy Council, British ministers and legal advisers were all agreed that they possessed the power to do so, and had as a matter of fact done so practically unquestioned by the colonists. Mr. C. M. Andrews points out that they "in



as much as they want." In 1755, William Bollan, when agent for Massachusetts, presented to the Board of Trade a detailed memorial on the legal defects in the acts of trade, with a view to their remedy, and accordingly a better enforcement of the system as a whole. Nor can we pass by the fact that Bollan was appointed agent, though he had been the prosecuting officer of the Vice-Admiralty Court, and, as such, had for years been engaged in the task of punishing violations of these laws. Indeed, Otis himself resigned from this position at as late a date as 1761.

How keenly the colonists pursued their commercial gains is clear from the fact that even the outbreak of war with France did not deter them from supplying the enemy with merchandise. France then was the enemy as much in North America as in Europe. In spite of this fact, trade with the French continued. True, the colonial assemblies passed laws restraining this practice. It is one matter to pass laws; it is quite another matter to find juries to convict offenders against such laws. The failure to secure convictions proves how demoralised public opinion had become. Imagine what would have happened in the United States in 1918 had it been proved that traders in Boston had been found guilty of trafficking with Germans! Yet such conduct persisted throughout the Seven Years' War when the very existence of the Thirteen Colonies was at stake.

That the Mercantile System was in operation in theory in North America cannot be denied. That it was evaded in wholesale fashion equally cannot be denied. W. E. H. Lecky, the most fair-minded of historians, has expressed the view that political alienation was the inevitable and most righteous consequence of the Navigation Laws, and that it was to the antagonism they created much more than to the Stamp Act of 1765 and the Townshend Act of 1767 or to any isolated instances of misgovernment that the subsequent disruption must be ascribed. He quotes with approval Arthur Young's statement that nothing could be more idle than to say that this set of men, or the other administration, or that great minister occasioned the American War. It was not the Stamp Act, it was not the repeal of the Stamp Act, it was neither Lord Rockingham

nor Lord North, but it was the baleful spirit of commerce that wished to govern great nations on the maxims of the counter.

One differs from Lecky with diffidence, yet the evidence we have adduced does not support the views he expresses. Burke, who was familiar with the facts, shows that the colonies were prosperous. Besides, if there is a law of history, it is surely that which states that a down-trodden people never revolts. The dangerous moment for such a people is when the Government begins to amend. The French were much better governed under Louis XVI than under Louis XV, yet they rebelled under the former. The change in the existing régime provoked the French to rise in revolution, and the change in the existing régime provoked the Americans also to rise. Few historians of our day knew the position of affairs in the American colonies so thoroughly as the late G. L. Beer, and he warmly endorses the opinion of Burke. Mr. Beer shows that the aim of British policy had never been consistently directed towards the creation of a closely-knit economic empire. The aim had been rather to create a self-sufficient economic unit, independent, so far as was possible, from competing national groups; and on the whole this aim had been achieved. The West Indian colonies were entirely dependent on the monopoly of the British market that had been given them. Similarly the prosperity of the American colonies was bound up with their hold either of the British market or that of the other British colonies. That is, the Mercantile system tended towards the integration—not the disintegration—of the Empire. Mr. Beer demonstrates that “the prosperity of their (*i.e.* the colonists) shipbuilding industry depended to a great extent on the sale of vessels to Great Britain and on the large carrying trade between the various parts of the Empire. Once politically separated the Navigation Acts would automatically shut off the sale of those ships and also a considerable portion of the carrying trade. Thus while, on the one hand, political separation meant some economic advantages, on the other it meant both the assumption of the burden of naval defence hitherto borne by the Mother Country . . . and also important and concrete economic

disadvantages. To those in the colonies contemplating such a contingency, the risks must have appeared sufficiently formidable 'to give them pause.' Hence, as far as this was realised, the system tended in the direction of greater imperial cohesion, and ran counter to the strongly marked tendency towards political disintegration."

The ties between the colonies and the Mother Country were not purely economic. The very names the Pilgrim Fathers bestowed upon their new homes proves how much their hearts lay in the old. Such names as Southampton, Plymouth and New York all suggest the pathetic nostalgia of the exiles. The men who named these places were thinking of once dearly loved towns, of the streets and market-places of country towns, whose every detail was well remembered and much regretted, of homes they could scarcely hope to see again. "Farewell, dear England," was the cry which burst from the first tiny band of pilgrims as its shores were growing dim to their sight. "Our hearts," wrote one of Winthrop's followers, "shall be fountains of tears for your everlasting welfare, when we shall be in our poor cottages in the wilderness." It is not hard to catch the spirit of the Puritan settlers in such places as Salem, Philadelphia, and the like. The men who gave these names to their new homes felt that, like Abraham of old, they had gone forth from their kindred and their people, from the familiar Ur of the Chaldees, to seek a country whose builder and maker was God. That there was sincere loyalty to the Crown on their part none could doubt. When the battle of Yorktown sealed the fate of the British rule, thousands of Americans preferred poverty, exile and death rather than become aliens to the British Empire. In spite of this, loyalty was not deep-seated simply because it did not mean sacrifice. Loyalty, like love, means the capacity for sacrifice, and it also means that this capacity is realised. Such was not the case in North America. The connection with England came to be valued, in not a few instances, for what the Germans call bread-and-butter reasons.

English traditions and English blood did not flow in the colonists for nothing. What John Hampden felt when asked to contribute ship-money, the colonists felt in 1765.

The Virginia resolutions on the Stamp Act invoked "the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist." The authors of the Massachusetts Circular Letter of 1768 reply on the contention of Lord Camden that it is an "unalterable right, in nature, engrafted into the British constitution, as a fundamental law," that taxation and representation go hand in hand. "We declare," said the first Continental Congress in 1774, "as Englishmen our ancestors in like case have usually done," that "the inhabitants of the English colonies in North America by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights." That the attachment of this Congress was to the Crown, not to Parliament, is clear in its statement that "we wish not a diminution of the prerogative." From 1765 to 1769 Sir William Blackstone published his *Commentaries on the Laws of England*, and this first edition exercised a most powerful influence not merely in England, but also in America. Nowhere has his book been more widely read than in the colonies. "I hear," said Burke in 1775, "that they have sold nearly as many of Blackstone's *Commentaries* in America as in England."

Silver-tongued Murray, Lord Mansfield, held with Bodin and Hobbes that sovereignty was one ultimate and undivided authority, and for him the sovereignty of Parliament and the dependency of the dominions stood or fell together. Against the plea of lawyers like him, the colonists set their seventeenth century charters, insisting on their royal—not their parliamentary—character. Against the view that a united Parliament imposed taxation, they set the mediaeval notion that taxation came by free grant of the several estates, of which they were one. Against the law of the land, they set the law of nature, that unfailing resource of all who deem themselves oppressed. "You have rights," proclaimed John Adams, "antecedent to all earthly government; rights that cannot be repealed or restrained by human laws; rights derived from the great legislator of the universe."

In 1765 James Otis published his *Rights of the British*

*Colonies*, and his pamphlet assumes as a matter of course that the law of nature is a fundamental part of the English constitution. He more correctly assumes that the Empire is *one* "Commonwealth and Free State," as the Long Parliament had roundly declared. Otis admits with Mansfield that Parliament is supreme, conceding the subordinate nature of the American assembly. Though the Empire is one and Parliament sovereign therein, it is a *free* State; and, as the Massachusetts Assembly said in 1768, "in all free states the constitution is fixed, and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation." The influence of Calvinism is plain in the resounding statement of Otis that "there can be no prescription old enough to supersede the law of nature, and the grant of God Almighty; who has given to all men a natural right to be *free*. . . . The law of nature was not of man's making, nor is it in his power to mend it, or alter its course."

It is quite easy for Otis to admit all that Mansfield rightly claimed on behalf of Parliament. Otis can cheerfully allow that Parliament possesses undoubted authority to bind the realm and the colonies indifferently for all the time he holds in reserve the *jus naturale*. Behind all the charters, behind all the laws, there stands the American claiming all the rights of an Englishman "by the laws of God and nature, by the common law, and by Act of Parliament," "from the British constitution which was re-established at the revolution." What is the remedy if Parliament wrongfully exercises its "uncontrollable" power? Otis's answer is that the law must be obeyed. "They only can repeal their own acts," though if these are "against *natural* equity, the executive courts will adjudge such acts void." Yet "to say the Parliament is absolute and arbitrary, is a contradiction. The Parliament cannot make two and two five; omnipotency cannot do it. The supreme power in a state is *jus dicere* only; *jus dare*, strictly speaking, belongs alone to God. Parliaments are in all cases to *declare* what is for the good of the whole; but it is not the *declaration* of Parliament that makes it so. There must be in every instance a

higher authority, viz., God. Should an Act of Parliament be against any of *his* natural laws, which are *immutably* true, *their* declaration would be contrary to eternal truth, equity and justice, and consequently void; and so it would be adjudged by the Parliament itself, when convinced of their mistake." In his stress on natural right to private property, Otis is in the line of succession of Harrington and Locke, who proved an incomparably strong force at the time of the American Revolution. His contract theory lies in the background of the thoughts of the advanced men.

Otis, Benjamin Franklin, Adam Smith and Grenville all advocated the representation of the colonists in the imperial Parliament. On utilitarian grounds Burke, we regret to say, opposed this splendid conception. Such grounds weighed in the Massachusetts Assembly. Otis was one of the three delegates it sent to the Stamp Act Congress. He was, however, bound by its instructions "not to *ur*ge or consent to any proposal for any representation if such be made in congress." The destructive denunciations of Samuel Adams prevailed against the constructive counsels of Otis. The Stamp Act Congress endorsed the attitude of the Massachusetts Assembly, and declared that "the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain."

The attitude of the colonists at the beginning of the seventeenth century towards democracy was pretty much the attitude of the Americans at the end of the eighteenth. On the eve of Independence John Adams had written: "There must be decency and respect and veneration introduced for persons in authority, of every rank, or we are undone." What Adams derived from Harrington, Harrington had derived from Plato, and that was his respect for a "government of laws and not of men." The legalist tradition of England is also evident. "The voice of the people," declared Alexander Hamilton, the greatest statesman of the time, "has been said to be the voice of God; but, however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changeable; they seldom judge or determine right."

Face to face with the task of constructing a new constitution he could perceive the merits of the one he had lost. "I believe," such was his declaration, "the British Government forms the best model the world ever produced, and such has been its progress in the minds of the many that this truth gradually gains ground." Gouverneur Morris "could not persuade himself that numbers would be a just rule at any price"; the "ignorant and the dependent" are not fit to be trusted with "the public interest." He wanted "an aristocratic body to keep down the turbulence of democracy."

James Madison shared the fears of Hamilton and Morris. "In future times," Madison pointed out, "a great majority of the people will not only be without landed, but any other sort of property. These will either combine under the influence of their common situation; in which case the rights of property and the public liberty will not be secure in their hands; or, what is more probable, they will become the tools of opulence and ambition, in which case there will be equal danger on another side." He asserted that "to secure private rights against majority factions" was one of his main objects. In conjunction with John Jay and Alexander Hamilton he wrote in 1787-78 *The Federalist*, which appeared in the shape of a series of letters recommending the proposed Constitution for adoption to the people of New York. Important as is the Declaration of Independence, from the point of view of political philosophy, *The Federalist* is incomparably more important. In it Madison argued that it was necessary to base the political system on the actual conditions of "natural inequality." The date of the Declaration of Independence is July 4, 1776, yet within twelve years men of the stature of Hamilton and Madison have moved away from its standpoint that "all men are created equal." A true disciple of Locke, Hamilton considered that those who possessed no property could not properly be regarded as having a will of their own. When discussing the subject of representation, Franklin held that "as to those who have no landed property . . . the allowing them to vote for legislators is an impropriety." Madison criticised the British parliamentary system on the ground of the lowness of the qualification for

the franchise in cities and boroughs, "for it was in the boroughs and cities rather than the counties that bribery most prevailed, and the influence of the Crown on elections was most dangerous."

Though according to the Declaration of Independence "all men are created equal," the Fathers of the new Republic were obviously of the opinion that such a statement neither extended to the black race nor even to the majority of the white. Their unanimous view was that the only people who really counted were the land-holding class. All the states of the Republic were agreed in demanding some evidence that the voter either had a freehold of a certain value or other estate, or that he paid some public tax. "Your people," declared Hamilton at a New York dinner, "your people is a great *beast*," a sentiment perfectly in accord with the opinion of Martin Luther. That the beast must be rigidly controlled seemed axiomatic. The Boston town meeting represented no more than 3 or 4 per cent. of its population. The colonial franchise of Massachusetts was restricted to between one-fourth and one-fifth of the adult male population. It is quite evident that we are safe in saying that the voters were much less than half of the adult men.

If the qualification of the voter stood high, the qualification for the office-holder stood much higher. It was laid down that the governor must be a freeholder. The value of the freehold was fixed in Massachusetts at £1,000, in Maryland at £5,000, and in South Carolina at £10,000. As Locke had demanded, there were religious tests in all the states save New York and Rhode Island, and this in spite of the presence of such men as Benjamin Franklin, Thomas Jefferson and Thomas Paine. Some states asked that the governor should be a Protestant, others that he should be a Christian. According to the Declaration of Independence all men are "endowed by their Creator with certain inalienable rights, and that among these are life, liberty and the pursuit of happiness." In the quest of this ideal the British Empire proceeded to emancipate its slaves. It is not a little remarkable that one of the very first uses the colonists made of their independence was to perpetuate negro slavery.



No less than twenty-three attempts at union on the part of the colonists had failed before 1776, and after the signing of the peace in 1783 it seemed likely as if this failure was to continue. Each State contended for its rights, and in order to demonstrate the existence of these State rights they raised tariff walls around their boundaries. Pennsylvania attacked Delaware. New York and Rhode Island, in spite of their refusal to entertain religious tests, proceeded to oppress Connecticut. New Jersey, lying between New York on the one hand, and Pennsylvania on the other, was compared to "a cask tapped at both ends"; North Carolina, between South Carolina and Virginia, to "a patient bleeding at both stumps." In Massachusetts there was open civil war. As the British Government had besought the colonists to arrive at a federation, so now Washington and Hamilton besought them. As the British Government had implored them fruitlessly to levy contributions, so now Washington and Hamilton implored them fruitlessly to levy contributions.

The Declaration of Independence maintained that "governments derive their just powers from the consent of the governed." The Fathers of the Republic, influenced on the one hand by Locke, and on the other by Montesquieu, maintained that the less power the government possessed the better, and that such powers as were given should be balanced and played off against one another, and should be held for short periods only. The fruits of long colonial experience were felt in the trust of the legislative combined with distrust of the executive. The doctrine of contract possesses a long pedigree, dating back to the ninth century. With the European branch of this pedigree the Fathers were not very familiar; with the English branch they were quite familiar. Milton's *Areopagitica* (1644), his *Tenure of Kings and Magistrates* (1649), his *Defensio pro Populo Anglicano* (1651), his *Defensio Secunda* (1654), Harrington's *Oceana* (1656), Sidney's *Discourses concerning Government* (1698), and Locke's *Two Treatises of Government* (1690) were all books to be found in their hands and the contents in their heads. These books alike insisted on the importance of the contract conception. The Revolution principles, according to John Adams, are "the principles of Aristotle and Plato;

of Livy and Cicero, and Sidney, Harrington and Locke; the principles of nature and eternal reason; the principles on which the whole government over us now stands."

The Convention of Philadelphia met on May 14, 1787, to consider the application of the principles of government in the shape of the drafting of a constitution. *The Federalist* proceeded to justify this constitution in a noble series of eighty-five articles, which ultimately formed a book that the world will not willingly let die. Of its authors, Hamilton stood in the front rank, in the company of men like Washington, Franklin, Jefferson and Marshall. Of its authors, Madison and Jay stood in the second rank, in the company of men like John Adams, Patrick Henry, Gouverneur Morris, Roger Sherman, James Wilson and Albert Gallatin. Wilson, one of the ablest theorists of the Revolution, coined in 1774 the striking phrase by which he described the colonies as forming a "Commonwealth of Nations."

The authors of *The Federalist* assume that their country is agricultural, and is destined to continue so. They accordingly assume that fortunes will remain small, and that wealth will play but a small part in elections or politics. Above all, they ignore the possibility of slavery ever becoming a cause of quarrel between the Northern and the Southern States. The spoils system, the system of party nominations by political bosses, and the influence of immigration are all outside their ken. Lord Bryce points out that Hamilton, Madison and Jay predicted the following as the consequences of an effective Federal executive and legislature.

1. The destruction of the States as commonwealths. The central government, it was said, would gradually encroach upon their powers.

2. The creation of a despot in the person of the President. He would, in fact, be an American edition of George III.

3. The Senate will become an oligarchy.

4. The House of Representatives will also, like every other legislature, aim at supremacy.

5. The larger States will use the greater weight in the government which the Federal constitution gives them to overbear the smaller States.

6. The existence of a strong central government is not only likely, by multiplying the occasions of diplomatic intercourse with foreign powers, to give openings for intrigues by them dangerous to American independence, but likely also to provoke foreign wars, in which the Republic will perish if defeated, or if victorious maintain herself only by vast expenditure, with the additional evil of having created in an army a standing menace to freedom.

The history of the United States since 1787-8 by no means confirms these predictions of the authors of *The Federalist*, and in point of fact they strikingly illustrate the truth of George Eliot's obiter dictum that of all forms of mistake prophecy is the most gratuitous. On the other hand they analyse the defects of democracy with a sure touch, and if we were called upon to specify the most deep-seated of these defects instead of asking the reader to peruse, say, Tocqueville's *Democracy in America*, or Carlyle's *Shooting Niagara: and After?*, or Sir James Stephen's *Liberty, Equality and Fraternity*, or Sir Henry Maine's *Popular Government*, or Lecky's *Democracy and Liberty*, or even Lord Bryce's *Modern Democracies*, we should recommend *The Federalist* to the attention of our readers. In its vigorous pages, Hamilton is plainly afraid of the following evils:—

1. The spirit and power of faction, which is so clearly the natural and necessary offspring of tendencies always present in mankind, that wherever liberty exists it must be looked for.

Its causes are irremovable; all you can do is to control its effects, and the best prospect of overcoming them is afforded by the representative system and the wide area of the United States with the diversities among its population.

2. Sudden impulses, carrying the people away and inducing hasty and violent measures.

3. Instability in foreign policy, due to the changes in the executive and in public sentiment, and rendering necessary the participation of a comparatively small council or senate in the management of this department.

4. Ill-considered legislation. "Facility and excess of law-making" and "inconstancy and mutability in the laws" form the "greatest blemish in the character and genius of our governments."

5. The Legislature is usually the strongest power in free governments. It will seek, as the example of the English Parliament shows, to encroach upon the other departments; and this is especially to be feared from the House of Representatives as holding the power of the purse.

6. The States, and especially the larger States, may overbear the Federal Government. They have closer and more constant relations with the citizen, because they make and administer the ordinary laws he lives under. His allegiance has hitherto belonged to them, and may not be readily given to the central authority.

7. There is in republics a danger that the majority may oppress the minority. Already conspicuous in some of the State governments, as, for instance, in Rhode Island, this danger may be diminished by the application of the federal system to the great area of the Union, where "society will be broken up into so many parts, interests and classes of citizens that the rights of individuals or of the minority will be in little danger from interested combinations of the majority."

8. Another source of trouble is disclosed by the rash and foolish experiments which some States have tried in passing laws which threaten the validity of contracts and the security of property.

*The Federalist* is emphatically a sober treatise analysing one of the most difficult of all problems, the framing of a constitution for the body politic. The world of the Europe of 1788 was a world of monarchs with only one free nation and with none democratic. If the task was great, it is but bare justice to say that men like Hamilton were fully equal to it. The antinomy between democracy and liberty vexed his soul, as it still vexes the souls of men. Let anyone turn to *The Federalist* and let him turn to the contemporary constitution-makers of France. The contrast is entirely in favour of the men of the Convention of Philadelphia. Hamilton realises—what few of the nineteenth century imitators of the English Constitution realised—that a constitution was a mere skeleton till true tradition breathed the spirit of life into it. Hamilton was determined that the break with the past should be as little as he could

possibly make it. There is accordingly continuity in noble American life, and not the least of the glories of Alexander Hamilton is that he is the man who insisted on the worth of the spirit in which Federalism moves and has its being.

The Convention of Philadelphia set up a democratic constitution in an age when such a constitution was wholly unknown. In 1787 George III had been twenty-seven years on the throne, and he had spent the whole of them in the endeavour to realise the ideal of Bolingbroke's *Patriot King*, which meant in effect that he aimed at autocracy. Yet his was the freest—in fact the only free—country in Europe. The States-General of France had not met since 1614, and the memory of popular control had died away. In 1766 Louis XV issued an edict declaring that he held his crown from God alone, and that he was the sole fountain of legislative power. Sixteen years before the Convention of Philadelphia he had abolished the local parliaments. The fate of the States-General had been the fate of the Cortes of Spain, of the republics of Central Italy, and of the greater part of the free institutions of the towns of Flanders, Germany and along the Baltic. The Revolution of 1772 greatly aggrandised the royal authority in Sweden. In Holland the House of Orange gained a quasi-royal position at the expense of the corrupt States-General. For generations Poland had been struggling with anarchy, and in 1772 she suffered her first partition. France crushed the freedom of Corsica. An oligarchy as corrupt as the Dutch States-General governed Genoa, while Venice, nominally republican, was really so devoid of authority as to be ready to fall before the first invader. With the possible exception of Geneva, in Switzerland we find that Berne, Fribourg, Lucerne, Soleure and Zurich were all under the narrowest oligarchy. Into such a world was the federal constitution of the United States born.

If the spirit of Montesquieu fell on Hamilton, a double portion of it rested on Edmund Burke (1729-97). Rousseau had placed a ban upon history and upon reason, and it fell to Burke to restore both to their true place. Erasmus and Burke belong to that select band of men of whom

Pericles declared the whole world to be the tomb. Like the great humanist, Burke was anxious to see the men, to see the things, to take the circumstances into consideration. Both men were the products of circumstance, governing their conduct by the distinguishing colour, the discriminating effect time gave to the event. Both are wrongly accused of a fundamental change of attitude. Just as Erasmus altered the direction of his sympathies with the Lutheran revolt after the year 1519, so Burke altered his after the year 1789. Nevertheless, the alteration was more in appearance than in reality. The thought of the two men was the same, though circumstances had modified its application. Just as Erasmus saw in the Lutherans the menace to balance, harmony, organic unity, so Burke saw in the French Revolutionists precisely the same danger. When Erasmus wrote his *Novum Instrumentum* he wished the ploughboy to read it. The Peasants' Revolt of 1525 changed him, as the outbreak of 1789 changed Burke. In his early days Erasmus bestowed a thought on India, where he desired to secure readers. Later he came to hold with Burke that it was the duty of the multitude to bow before the powers-that-be, for were they not ordained of God?

The student in the closet can suspend his judgment; the statesman cannot afford delay. Time refuses to allow it. As the best of men and wisest of rulers, Antoninus Pius, lay dying in his home of Lorum, he gave the last password to the officer of the guard: it was *Aequanimitas*. It had been the inspiration of the life of Erasmus, the secret of his failures no less than of his successes. Yet Erasmus, in spite of his *Aequanimitas*, was forced to come to a decision on many matters he desired to leave open. In the untying of the tangled knot of events he, no less than Burke, emphasised the need of prudence, that *φρόνησις* which Aristotle glorifies. Both knew "how many a weary step is to be taken before they (*i.e.* the people) can form themselves into a mass which has a truly politic personality."<sup>1</sup> For they were familiar with the slow process of the discipline of nature as it operates through the centuries. Erasmus

<sup>1</sup> *Appeal from the New to the Old Whigs.*

feared the "red ruin and the breaking up of laws in the Church" just as much as Burke feared them in the State. An individual may fall in a moment; the Church and the State may similarly be bereft of the results of the ages. With the example of Russia fresh in our memories, this is not so improbable as it at one time might have seemed. Undoubtedly Erasmus believed that the madness of the revolutionary might destroy the treasures of countless years. Burke and he perceived that human nature was more apt to feel grievances than to prescribe the remedies therefor, and these remedies might perchance prove poisonous to true life. Deaf to Erasmus's counsels, Luther alienated humanism from reform to the lasting loss of both. Deaf to Erasmus's counsels, the papacy condemned Luther and lost a continent. Deaf to Burke's counsels, England tried to assert her right and also lost a continent. Neglect of the advice of these sages tempts us to agree with Schiller and Hegel that the history of the world is the judgment of the world.

Erasmus and Burke are as convinced that man is naturally religious as Aristotle was that he was naturally political. Both realised that his life is "the known march of the ordinary providence of God."<sup>1</sup> They fervently believed that "religion is the basis of civil society, and the source of all good and of all comfort."<sup>2</sup> Reformation was necessary, but the price of it was too high if it meant the destruction of the unity of Europe. In days of peace, Erasmus and Burke believed in freedom of discussion. When the days of war arrived, they thought more about the limits within which discussion was to turn. The reason is obvious. Circumstances had changed. What was permissible when Erasmus was with More in Lord Mountjoy's garden by the Thames in 1500 was no longer permissible by the Rhine in 1520. Burke puts the case with almost irresistible force. "I must first beg leave to hint," he remarks at Bristol in 1780, "to you that we may suffer very great detriment by being open to every talker. It is not to be imagined how much of service is lost from spirits

<sup>1</sup> *Regicide Peace*, Letter ii.      <sup>2</sup> *Ibid.*, Letter iv.

full of activity, and full of energy, who are pressing, who are rushing forward to great and capital issues, when you oblige them to be continually looking back. Whilst they are defending one service they defraud you of a hundred. Applaud us when we run; console us when we fall; cheer us when we recover; but let us pass on—for God's sake, let us pass on." Erasmus experienced the force of such considerations. He had been the friend of toleration, of freedom, of discussion. At the same time he recognised that the fanatic, by his inability to desist in time, was imperilling the cause he had at heart. Like Cromwell, he thought that there were some fundamentals which the wisdom of the ages had reached, and these he refused to call in question. "I will not," spoke Burke on February 6, 1772, "enter into the question how much truth is preferable to peace. Perhaps truth may be far better. But as we have scarcely ever the same contained in the one we have in the other, I would—unless the truth were evident indeed—hold fast to peace, which has in her company charity, the highest of virtues."<sup>1</sup> Plainly he was ready in 1772 to sacrifice truth to peace.

Erasmus and Burke were passionately convinced that Church and State had their foundations in religious faith, and that they could not survive its disintegration. To them there was no question of the relations between Church and State. Such relationship presupposed that they were two bodies in their nature distinct and independent, whereas "in a Christian commonwealth, the Church and the State are one and the same thing, being different integral parts of the same whole." Plato declared that it is vain to expect any man to be a great statesman unless he cares for something greater than politics. Erasmus and Burke were then great statesmen, for they cared for the deepest matter in human nature, the life of the soul. That life was eminently an orderly one, and for order Erasmus and Burke evinced the most passionate enthusiasm. "The liberty," avowed the latter in 1774, "the only liberty I mean is a liberty connected with order."<sup>1</sup> Richelieu,

<sup>1</sup> Burke, Works, II., p. 486.



Cromwell, and Charles III of Spain were all rulers who appealed to him, for they shared his delight in good and orderly government.

Goethe wished that the Reformation had been conducted by a man like Erasmus rather than by a man like Luther. His wish was a vain one. It is true that nature does not normally take a leap; it is no less true that she has her earthquakes as well as her still slow processes, her Etnas as well as her Jungfraus. In times when vast forces are called into being, the eruption of a volcano may accomplish in a week what the silent processes of nature may not accomplish in an age. Erasmus could never have left the impression upon the world which Luther left. The arguments of the scholar were cogent; the arguments of the reformer were compelling. Here is the gulf that yawned between the two men.

The echoes of the past within his brain,  
The sunrise of the future on his face,

—these are the qualities of the great statesman. Unmistakably the echoes of the past resounded in the minds of Erasmus and Burke. Did the sunrise of the future irradiate their faces? Both felt such an unwavering conviction in the soundness of the existing régime, when it had been somewhat modified, that they thought that human insight was barely capable of arriving at such a pitch of excellence, save after the lapse of countless ages. "Perhaps," remarked Burke, "the only moral trust with any certainty in our hands is the care of our time."<sup>1</sup> The past they knew with loving intimacy, the present they came to fear. In the issue, faith in the future now and then failed them. Erasmus, however, retained to the end his belief in truth, his conviction that in its progress lay the hope of mankind.

The tributes paid to Burke are every whit as warm in his own day as in ours. His friends loved to see him, as Goldsmith reminds us, wind into his subject. Grattan pronounced him the best talker he had ever known. Johnson, in spite of the political differences between Burke and himself, always spoke of him with unwonted admiration.

<sup>1</sup> Speech, May 11, 1792.

"Burke," he pronounced, "is such a man that if you met him for the first time in the street, where you were stopped by a drove of oxen, and you and he stepped aside to take shelter but for five minutes, he'd talk to you in such a manner that, when you parted, you would say, This is an extraordinary man. He is never what we would call humdrum; never unwilling to begin to talk, nor in haste to leave off." Wilberforce, a most gifted conversationalist, said: "Like the fabled object of the fairy's favours, whenever he opened his mouth pearls and diamonds dropped from him." Burke, however, had no wit. Apart from wit, Johnson described him as the only man whose common conversation corresponded to his general fame in the world; take up whatever topic you might please, he was ready to meet you. It is not surprising that "he is the first man in the House of Commons, for he is the first man everywhere." He once declared that "he knew but two men who had risen considerably above the common standard—Lord Chatham and Edmund Burke." When he was ill, somebody mentioned Burke's name. Johnson cried out, "That fellow calls forth all my powers; were I to see Burke now it would kill me." Gibbon, whose sinecure place was swept away by Burke's Economical Reform Bill of 1782, bore testimony to the "delight with which that diffusive and ingenious orator, Mr. Burke, was heard by all sides of the House, and even by those whose existence he proscribed."

With a generosity as great as Johnson when differences on the French Revolution parted Burke and Fox, the latter candidly confessed: "If all the political information I have learned from books, all which I have gained from science, and all which my knowledge of the world and its affairs have taught me, were put into one scale, and the improvement which I have derived from my right honourable friend's instruction and conversation were placed in the other, I should be at a loss to decide to which to give the preference. I have learnt more from my right honourable friend than from all the men with whom I ever conversed." Adam Smith told Burke "after they had conversed on subjects of political economy that he was the only man who, without communication, thought on these topics

exactly as he did." Arthur Young, the first authority on agriculture in those days, acknowledged his obligations to him for much information about his special pursuits.

The river of eulogy did not cease to flow with the passing of Burke's own generation. When Macaulay read Burke's works over again, he exclaimed: "How admirable! The greatest man since Milton!" Lord Acton wrote: "Burke loved to evade the arbitration of principle. He was prolific of arguments that were admirable but not decisive. He dreaded two-edged weapons and maxims that faced both ways. Through his inconsistencies we can perceive that his mind stood in a brighter light than his language; but he refused to employ in America reasons which might be fitted to Ireland lest he should become odious to the great families and impossible with the King. Half of his genius was spent in making the secret that hampered it. Goldsmith's cruel line is literally true." If Lord Acton delivered that judgment, he also delivered this one: "You can hardly imagine what Burke is for all of us who think about politics, and are not wrapped in the blaze and the whirlwind of Rousseau. Systems of scientific thought have been built up on the fragments that fell from his table. Great literary fortunes have been made by men who traded upon the hundredth part of him. Brougham and Lowe lived by the vitality of his ideas. Mackintosh and Macaulay are only Burke trimmed and stripped of all that touched the skies. Montalembert, borrowing a hint from Döllinger, says that Burke and Shakespeare were the two greatest Englishmen." With magistral authority, Lord Morley holds that Burke "thought about life as a whole, with all its infirmities and all its pomps. With none of the exclusiveness of the moralist by profession, he fills every page with solemn reference and meaning; with none of the mechanical bustle of the common politician, he is everywhere conscious of the mastery of laws, institutions and government over the character and happiness of men. Besides thus diffusing a strong light over the awful tides of human circumstance, Burke has the sacred gift of inspiring men to use a grave diligence in caring for high things, and in making their lives at once rich and austere." Plainly, the bent of

Burke's conservatism is compatible with a hatred of injustice so strong that it has been his good fortune to bring as equal comfort to Liberals as to Tories.

The band of great pamphleteers in English literature is not a large one. Milton, Halifax, Swift, Sydney Smith and Burke certainly belong to it. The facts of the case Burke invariably mastered, and then he proceeded to light them up by reference to the broad principles underlying them. Abstractions he always faces with concrete facts. "I never placed your solid interests upon speculative grounds," he informed his constituents. "I must see the men, I must see the things," he spoke on May 11, 1792, "I must see the things. I never govern myself, no rational man ever did govern himself by abstractions and universals . . . he who does not take circumstances into consideration is not erroneous, but stark mad—dat operam ut cum ratione insaniat—he is metaphysically mad." In his *Reflections on the Revolution* he vehemently insists that "circumstances (which with some gentlemen pass for nothing) give in reality to every political principle its distinguishing colour and discriminating effect."

The Greek who cared for the State as if it were himself found a kindred soul in the great Irishman. What William Burke said of him in 1766 was true throughout his life: "Ned is full of real business, intent upon doing good to his country, as much as if he was to receive twenty per cent. from the Empire." Vehement by nature, he learnt the supreme virtue of justice in all attempts at reform. In words of golden wisdom he stoutly maintained, "I never will suffer any man or description of men to suffer from errors that naturally have grown out of the abusive constitution of those offices which I propose to regulate. If I cannot reform without equity, I will not reform at all." When he desired to reform the household of George III, men pressed him to make ready a new model of the two Houses of Parliament. With the utmost determination he invariably resisted such proposals. "I had," he warned such men, "a state to preserve, as well as a state to reform. I had a people to gratify, but not to inflame or to mislead." The care and caution with which he steered the ship of

state comes out in his statement: "I heaved the lead every inch of way I made." Nor was he unaware that his zeal for the public weal was without cost to himself. "I know," he said in one of his magnificent speeches, "I know the map of England as well as the noble lord, or as any other person; and I know that the way I take is not the road to preferment."

Conservative by nature, Burke steadfastly opposed all attempts to lower the suffrage, to abolish the rotten boroughs, to add to the county representation, or, in spite of glaring abuses, to make modifications in the framework of Parliament. In his speech on the reform of Parliament he sympathetically endorsed the opinion of those who believed that "neither now nor at any time is it prudent or safe to be meddling with the fundamental principles and ancient tried usages of our Constitution, that our representation is as nearly perfect as the necessary imperfection of human affairs and of human creatures will suffer it to be, and that it is a subject of prudent and honest use and thankful enjoyment, and not of captious criticism or rash experiment." At the same time he neither held the Tory view that all right of representation rests ultimately with the owners of the soil, nor did he believe in the divine right of any, be they kings, nobles, or freeholders. "The virtue, spirit and essence," he once said, "of a House of Commons consists in its being the express image of the feelings of the nation." So he declared in that noble pamphlet, *Thoughts on the Cause of the present Discontents* (1770).

He observed that nine-tenths of the reformers of his time argued on the ground of natural right, and treated representation not as a question of expediency, but as a question of morals. To such men inequalities were simply injustices. Are not all men naturally equal? Have not all an equal right to self-government? Have not all an equal right to an equal share in the representation? Burke was as strong an inequalitarian as Gladstone himself, and could not bear the metaphysicians who talked so glibly of natural rights which to Burke were national wrongs. In his *Reflections* (1790) he allows alteration. "But even when I changed," he is careful to add, "it would be to preserve. I should be led to my remedy by a great grievance. In what I did I

should follow the example of our ancestors. I would make the reparation as nearly as possible in the style of the building." In that spirit of mysticism, which is never long absent from this book, we learn that "our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old or middle-aged or young, but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation and progression. Thus, by preserving the method of nature in the conduct of the State, in what we improve, we are never wholly new; in what we retain, we are never wholly obsolete."

Burke had travelled in France in 1773, and in the capital he had heard all questions in heaven and earth discussed till he was wearied of discussion. Men talked about the state of nature, of the Indian or the Persian or the Chinese who lived in this ideal condition. With his reverence for the past, he could not bear the flippant spirit that characterised the whole discussion. "It has been the misfortune," so he held "(not, as these gentlemen think it, the glory) of his age that everything is to be discussed." There must needs be revolutions. Was he not the apologist of 1688? Did he not witness the revolution of 1776? Did he not exert himself to the utmost to avert it? Did he not behold the revolution of 1789? What he whole-heartedly dreaded was men eternally calling in question the fundamental obligations of civil society. Such were ever preaching the rights of revolution; for ever arguing in ultimatums; for ever eager to administer the extreme medicine of the State as if it were its daily bread. Under these circumstances, how could there be order? How could there be reverence for law? How could there be stability? In fact, it brought about a situation that would end by "turning men's duties into doubts." Such a plight would speedily become intolerable. In his *Reflections* he writes: 'I confess to you, sir, I never liked this continual talk of resistance and

revolution, or the practice of making the extreme medicine of the constitution its daily bread. It renders the habit of society dangerously valetudinarian; it is taking periodical doses of mercury sublimated, and swallowing down repeated provocatives of cantharides to our love of liberty." He laid stress on the truth that political institutions are never things that are made, but are always things that grow. Accordingly nothing must be pulled up by the roots, but very gradually guided into the desired new direction. It is the aim of every statesman that his reforms should last; and history and the study of human nature show that the "root and branch" novelties of a Cromwell cannot last because they represent a breach of continuity and cannot attach to themselves the support of reverence which belongs only to that which is, or appears to be, partly old. This is the historical bulwark of Conservatism.

Some of the most pregnant remarks on the mass are Burke's. "Whenever the people have a feeling," he once observed, "they commonly are in the right; they sometimes mistake the physician." "I am not one of those," we learn from the beginning of *Thoughts on the Cause of the present Discontents*, "who think that the people are never wrong. They have been so, frequently and outrageously, both in other countries and in this. But I do say that in all disputes between them and their rulers, the presumption is at least upon a par in favour of the people." If there are popular discontents, there is disease in the State. "The people have no interest in disorder. When they go wrong it is their error, and not their crime." Then he proceeds to quote the profound passage from the *Memoirs of Sully*: "The revolutions that come to pass in great states are not the result of chance, nor of popular caprice. . . . As for the populace, it is never from a passion for attack that it rebels, but from impatience of suffering."

It is curious to observe the care with which Burke avoids the metaphor of the organism. The State is a "venerable" castle; it is the keep of Windsor, looking proudly over the plain beneath. He quotes Dryden to tell us

'Tis not the hasty product of a day  
But the well-ripened fruit of wise delay.

It is a vessel requiring to be cunningly balanced. He draws his imagery from the works of nature, eschewing botany and zoology in favour of inorganic—not organic—chemistry and physics. The art in his selection of illustration is perhaps subconscious, for obviously if he perceives an analogy between the life of the State and the life of a plant, he must allow for change, be it ever so slowly. And this is precisely what he refuses to allow. Nevertheless, he admits in all but formal words that the State is an organism. Its essence, from this angle, lies in his statement that "Constitutions grow and are not made."

The organism requires care, attention and occasional reform. In his speech on the army estimates, 1790, he announced that he "was no enemy of reformation. Almost every business in which he was much concerned, from the first day he sat in that House to that hour, was a business of reformation; and when he had not been employed in correcting, he had been employed in resisting abuses." In this proud boast there is a large measure of truth. He defended with all his powers the rights of electors in the case of the Middlesex election. He supported Grenville's bill for terminating the normally unfair decisions of disputed elections. With his views on a member of Parliament sharing the character of a representative rather than that of a delegate, he yet urged that lists of voters in the important divisions should be published, in order that the people might be able to judge the conduct of their representatives. He strongly advocated parliamentary reporting, and he no less strongly advocated the right of free criticism in the debates on the Libel Bill. Aware of the dangers of placemen, he supported the disfranchisement of revenue officers, and he passed one of the most far-reaching of measures for diminishing the number of superfluous posts which formed the mainspring of the corruption of Parliament. He supported the claims of the Dissenters to relief from their restrictions just as he supported the claims of the Roman Catholics. In the spirit of Adam Smith, he attacked the legislation directed against forestalling and regrating, advocating the freedom of trade. He opposed the cruel laws against insolvents every whit as vigorously



as he opposed the terrible penal code. He endeavoured to abolish the old plan of enlisting soldiers for life, and he also endeavoured to abolish the slave trade. Obviously there is material for an ample chapter on Burke as a practical reformer.

He accepts the state of nature as a fact, while denying not a few of the inferences drawn from men living in that state. The enemy of individualism almost as much as Rousseau, he draws the teeth of the state of nature doctrine by denying that it has any bearing whatsoever either upon the theory or the practice of government. Drawing a veil over the beginnings of society, Burke claims that consent takes no part in its origin higher than *de facto*; *de jure* is outside its scope. Hence, while contract has a bearing on the history of man, it has none on his right. In his *Appeal from the New to the Old Whigs* (1791) and in his *Reflections on the Revolution* he takes occasion to point out how we meet an individual hampered within and without. Within he is controlled by the moral law, conscience, the sense of duty. Without he is also controlled by positive law and by something far more extensive than positive law, social custom. Instead of the rights of the individual, we hear far more of his duty towards his God and his duty towards his neighbour. The State issues orders, and these orders are duties imposed on the individual.

As the State is divine in its nature, it is vain to urge that the life of man is private. Such a view of the end of the State as that entertained by Locke is to Burke quite impossible. "Civil society," he holds, "is within the province of moral jurisdiction." In his *Reflections* he shows that men "conceive that He who gave our nature to be perfected by our virtue, willed also the necessary means of its perfection. He willed therefore the State. He willed its connection with the source and original archetype of all perfection." To Locke the sacred is entirely outside the State; to Burke it is entirely inside it. In his speech of May 11, 1792, we hear that "all alliance between Church and State in a Christian commonwealth is, in my opinion, an idle and fanciful speculation. An alliance is between two things that are in their nature distinct and independent,

such as between two sovereign States. But in a Christian commonwealth the Church and the State are one and the same thing, being different integral parts of the same whole." In Platonic spirit he tells us that "all persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author and Founder of Society." There is continuity in history, according to Hotman. There is also continuity in history, according to Burke. He, however, bases his conception of continuity on religious consciousness. He solemnly affirms in his *Reflections* that, were the religious consciousness destroyed, "no one generation could link with another," and "men become little better than the flies of summer." He believes in original sin, and accordingly, with both the Church and modern science, denies the doctrine of political equality. He believes in progress because he believes in God: "that sense of awe at the workings of Nature, Providence, God, in the government of man—the sense that the house nations build to live in is not all made with hands," the sense that Aristotle and Augustine, Burke and Salisbury all had—this sense is graven on the heart of Conservatism.

To-day we have travelled far from the position of Burke. Yet it is worth while to remember that what the Divine Right of Kings accomplished on a small scale, religious belief accomplishes on a great one. There were revolutionary elements in England as there were in America and France. In England John Wesley travelled through the length and breadth of it, turning men's revolutionary energies to the reform of their souls. Milton's generation is not the only one to serve as if for ever in the Great Taskmaster's eye. T. H. Green felt this powerfully when he wrote that "it is in the form of imagination, the imagination of a supreme, invisible, but all-seeing ruler that, in the case at least of all ordinary good people, the idea of an absolute duty is so brought to bear upon the soul as to yield an awe superior to any personal inclination."

In 1770 appeared Burke's *Thoughts on the Cause of the present Discontents*, a pamphlet that searches out as few others do the

causes of revolution in general and the causes of the discontents in England in particular. The ideals of Bolingbroke were incarnate in George III, and Burke set himself seriously to examine those ideals. Throughout it we feel the influence of Montesquieu, impelling our author to weigh the relations of political phenomena not merely to government, but also to those social facts which are of the essence of government. The spirit of the people as well as the spirit of their law is never out of the mind of Burke. "Whatever original energy," proclaims Burke, "may be supposed either in force or regulation, the operation of both is in truth merely instrumental. Nations are governed by the same methods, and on the same principles, by which an individual without authority is often able to govern those who are his equals or superiors; by a knowledge of their temper and by a judicious management of it. . . . The laws reach but a very little way. Constitute Government how you please, infinitely the greater part of it must depend upon the exercise of powers, which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depends upon them. Without them, your Commonwealth is no better than a scheme upon paper; and not a living, active, effective constitution." In truth, even at this stage in his thought, Burke perceives the organic nature of the State. His conservative nature enabled him to realise that, modify society as you please, the permanence of the modification will in the last resort depend on its relation to the traditions, the public spirit, of the people for whom it is meant. Cambacérès put the point in another fashion when Napoleon consulted him respecting the durability of some of his institutions. "Ask yourself," was the answer, "what it would cost you to destroy them. If the destruction would cost no effort, you have created nothing; for politically, as well as physically, only that which resists endures."

The *Thoughts* provide us with a defence of party grounded not only on the truth of such a consideration as that "when bad men combine, the good must associate," but grounded on the very nature of man. Party to some is a disagreeable necessity: to Burke it is a vital necessity.

Our experience during the World War powerfully reinforces the position taken up by him when he states: "When men are not acquainted with each other's principles, nor experienced in each other's talents, nor at all practised in their mutual habitudes and dispositions by joint efforts of business, no personal confidence, no friendship, no common interest subsisting among them, it is evidently impossible that they can act a public part with uniformity, perseverance, or efficacy."

The Bossuet of politics, he approached our constitution in a spirit of deference. Study it, he cried, until you know how to admire it, and if you cannot know and admire, rather believe that you are dull, than that the rest of the world has been imposed upon. We ought to understand it according to our measure, and to venerate where we are not able presently to understand. "Our constitution," in his opinion, "stands on a nice equipoise, with steep precipices and deep waters upon all sides of it. In removing it from a dangerous leaning towards one side, there may be a risk of oversetting it from the other." Nor is this merely the opinion of 1770. It comes out every whit as emphatically in the *Reflections*. In the last sentence of that grand protest against revolution, he describes himself as one who, when the equipoise of the vessel in which he sails may be endangered by overloading it upon one side, is desirous of carrying the small weight of his reasons to that which may preserve its equipoise. He felt "the extreme difficulty of reconciling liberty under a monarchical government with external strength and with internal tranquillity." There is the gravest need of balance, equipoise, harmony, organic unity not merely in the political constitution, but also in the constitution of society as a whole. The nation, indeed, forms that great partnership which was never out of his mind. It must stand altogether, if it stand at all, and it must move altogether. Each member must do his share. When all of them perform their due functions in the State we have the framework of the body politic inspired with harmonious life.

Three of his finest writings relate to the American Revolution, and these are the *Speech on American Taxation*

(April 19, 1774); the *Speech on Conciliation with America* (March 22, 1775); and the *Letter to the Sheriffs of Bristol* (1777). It is the fashion to make George III and Lord North the scapegoats of the nation, a plan that is unfair to both men. For they decidedly represented the feelings of the vast bulk of the people. Their attitude Burke revealed in his speech at Bristol in 1780. "It is but too true," he held, "that the love, and even the very idea, of genuine liberty is rare. It is but too true that there are many whose whole scheme of freedom is made up of pride, perverseness, and insolence. They feel themselves in a state of thralldom, they imagine that their souls are cooped and cabined in, unless they have some man, or some body of men, dependent on their mercy. The desire of having some one below them, descends to those who are the very lowest of all; and a Protestant cobbler, debased by his poverty, but exalted by his share of the ruling church, feels a pride in the knowledge it is by his generosity alone that the peer, whose footman's instep he measures, is able to keep his chaplain from a gaol. This disposition is the true source of the passion which many men, in very humble life, have taken in the American war. *Our* subjects in America; *our* colonies; *our* dependents. This lust of party power is the liberty they hunger and thirst for; and this Siren song of ambition has charmed ears that we would have thought were never organised to that sort of music."

Horace Walpole grasped the inner significance of the struggle. If England prevails, said he, English and American liberty is at an end; if one fell, the other would fall with it. Imbued by the same spirit, Burke "certainly never could, and never did, wish the colonists to be subdued by arms. He was fully persuaded that if such should be the event, they must be held in that subdued state by a great body of standing forces, and perhaps of foreign forces. He was strongly of opinion that such armies, first victorious over Englishmen, in a conflict for English constitutional rights and privileges, and afterwards habituated (though in America) to keep an English people in a state of abject subjection, would prove fatal in the end to the liberties of England itself." Aware that public opinion was hostile

to his views, Burke realised the necessity of employing his most persuasive English, and in his three great writings of America, the most impressive quality is their persuasiveness founded on the eternal reason of things. The true nature of war and conquest, the motives urging men to undertake them, the exact conception of sovereignty—these are among the topics the writer examines with characteristic sense and sobriety. Rights in the abstract he always loathed, for he knew that in not a few cases they meant wrongs in the concrete. Will it not compromise the dignity of the Government if the claim to taxation is withdrawn? “Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end; and then I am content to allow it what dignity you please.” Is there not a right of taxation? “It is less than nothing in my consideration. . . . My consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine whether the giving away of a man’s money be a power excepted and reserved out of the general trust of Government. . . . The question with me is not whether you have a right to render your people miserable, but whether it is not your interest to make them happy. It is not what a lawyer tells me I *may* do, but what humanity, reason and justice tell me I *ought* to do. I am not determining a point of law; I am restoring tranquillity, and the general character and situation of a people must determine what sort of government is fitted for them.” The apostle of circumstance speaks when he pleads: “I am not here going into the distinctions of rights, not attempting to mark their boundaries. I do not enter into these metaphysical distinctions. I hate the very sound of them. This is the true touchstone of all theories which regard man and the affairs of man: does it suit his nature in general?—does it suit his nature as modified by his habits?”

Men ask the question: Is America worth fighting for? “Certainly it is, if fighting a people be the best way of gaining them.” The advocate of the softening of the penal code realises to the full that clemency and kindness avail more than ferocity and brutality. “Nobody shall persuade me when a whole people are concerned, that acts of leniency

are not means of conciliation. . . . *I do not know the method of drawing up an indictment against a whole people.*"

The outstanding controversies of Burke's life centre themselves around America, India and France, and in everyone of them the question at stake is that of right, the right to tax America, the right to govern India, and the right to revolt in France. The question of right, in his mind, mixes itself with expediency. That Parliament has the power to grant the East India Company a charter is undoubted, but if such a charter turns out to be the means of oppressing the Indians, it is clearly inexpedient to issue it. With the utmost frankness he points out that "lawyers, I know, cannot make the distinction for which I contend, because they have their strict rule to go by. But legislators ought to do what lawyers cannot; for they have no other rules to go by, but the great principles of reason and equity, and the general sense of mankind." These principles must be controlled in their application by the circumstances of the case, and this increases the complexity of the task of the statesman. Burke dislikes the revolutionists of France not least because they manifest "a degenerate fondness for taking short cuts and little fallacious facilities." In truth "their purpose everywhere seems to have been to evade and slip aside from difficulty."

Some revolutionists contend that rights are absolute and indefeasible. Burke will have none of this. Rights are limited by circumstance, by expediency, by a hundred matters. Rights are not a present possession belonging to a member of civil society; they are a prize to be won by the merit of the citizen. In his *Reflections* he insists that "all men have equal rights, but not to equal things," a position that Plato and Aristotle would have fully endorsed. In the same great book he observes: "Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in a much greater degree of abstract perfection. But their abstract perfection is their practical defect. By having a right to everything, they want everything. Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom.

Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as individuals, the inclinations of men should be frequently thwarted, their will controlled, and their passions brought into subjection. This can only be done by a *power out of themselves*, and not, in the exercise of its function, subject to that will and to those passions which it is its office to bridle and subdue. In this sense, the restraints of men as well as their liberties, are to be reckoned among their rights." Christianity, according to Burke, has been infinitely wise in preaching the necessity of renunciation rather than the Promethean philosophy of rebellion. True freedom in the State, as well as in the Church, consists in the submission of our desires. Our thoughts can be as untrammelled as we please. From this submission of our desires springs the virtue of resignation. From the freedom of our thoughts springs the whole world of art and literature, the vision of beauty by which at last the citizen, who is with Burke a Christian, conquers a reluctant world. Burke insists that this vision of beauty is possible only to unfettered contemplation, to thoughts not weighted by the burden of too eager wishes. His freedom comes only to those who no longer ask of life that it shall yield the many those personal goods that are subject to the changes and the chances of time.

The method of Montesquieu is that of Burke in his *Reflections on the Revolution*, and his is the first English book to employ the historical method of inquiry on a large scale. In October, 1789, he wrote a long letter to the French gentleman to whom he afterwards addressed the *Reflections*. "You hope, sir," he said, "that I think the French deserving of liberty. I certainly do. I certainly think that all men who desire it deserve it. We cannot forfeit our right to it, but by what forfeits our title to the privileges of our kind. The liberty I mean is *social* freedom. It is that state of things in which liberty is secured by equality of restraint. This kind of liberty is, indeed, but another name for justice. *Whenever a separation is made between liberty and justice,*



*neither is in my opinion safe."* If right is the creature of circumstance, it is also no less the creature of restraint, of conscience. "In England we have not yet been completely embowelled of our natural entrails; we still feel within us, and we cherish and cultivate those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. We have not yet been drawn and trussed, in order that we may be filled like stuffed birds in a museum with chaff and rags and paltry blurred shreds of paper about the rights of man."

The success of the *Reflections* was instantaneous. Within twelve months it reached its eleventh edition, and within six years no fewer than thirty thousand copies had been sold. Catherine of Russia was not the only potentate to press her cordial congratulations on its author. Men turned to him as they went of old to Ahithophel, whose counsel was as if a man had inquired of the oracle of God. As the proofs of his prescience increased, they turned all the more. His book was written in 1790, the very year when the Revolution seemed to be progressing favourably. Yet this was the exact time he chose to read the writing of doom graven on the wall by a relentless hand. He declared that the methods of the Constituent Assembly, up to the summer of 1790, were unjust, precipitate, destructive, and without stability. Yet then Jefferson and Morris, Fox and Sheridan regarded it with admiration. Burke was, however, right, and they were wrong. His forecast of the fate of the Constituent Assembly was fulfilled to the letter, and men not unnaturally deemed him a prophet. Nor is it the least of his merits that he predicted the despotism of the Napoleonic Empire in 1790. He had compared the levelling policy of the Assembly in their geometrical division of the departments, and their isolation from one another of the bodies of the state, to the treatment which a conquered country receives at the hands of its conquerors. Like Romans in Greece or Macedon, the French innovators had destroyed the bonds of union, under colour of providing for the independence of each of their cities. "If the present project of a Republic should fail," declared Burke with profound prescience, "all securities to a moderate freedom fail with

it. All the indirect restraints which mitigate despotism are removed; insomuch that, if monarchy should ever again obtain an entire ascendancy in France under this or any other dynasty, it will probably be, if not voluntarily tempered at setting out by the wise and virtuous counsels of the prince, the most completely arbitrary power that ever appeared on earth." Almost at the same moment Mirabeau was privately informing Louis XVI that their plan of reducing all citizens to a single class would have delighted Richelieu. This equal surface, he said, facilitates the exercise of power, and many reigns in an absolute government would not have done as much as this single year of revolution for the royal authority.

Burke's analysis of democracy is marked by foresight. He points out that it forms a collective sovereignty, because in such a case its members have not the checks that press upon a single prince; they cannot be cut off by rebellion; they live under no responsibility to one of the greatest controlling powers on earth, the sense of fame; as "their own approbation of their own acts looks like general outside favour, passes for fame and good opinion." The sense of infamy is lessened by the number sharing the public acts however infamous. A perfect democracy is therefore the most shameless thing, having neither shame nor fear to control it. The people at large cannot be punished without absurdity and contradiction, without defeating the end of punishment, which is the conservation of the people in general. All the more reason why they should never imagine that their mere will, any more than that of kings, is the standard of right and wrong. They ought to feel that "they are as little entitled, and far less qualified, with safety to themselves, to use any arbitrary power whatsoever." We must not, therefore, "under a false show of liberty," exercise an unnatural inverted domination, by tyrannically exacting from those who must officiate in the State for them "an abject submission to their occasional will; extinguishing thereby, in all those who serve them, all moral principle, all sense of dignity, all use of judgment, and all consistency of character, whilst by the very same process they give themselves up a proper, a suitable,

but most contemptible prey to the servile ambition of popular sycophants or courtly flatterers."

The progress of events in France turned it into a democracy with many of the grievous faults Burke indicated. Not the least of these faults was the craving for simplicity, whereas the State is exceedingly complex. This complexity is, indeed, a necessity, a vital necessity. For it provides a security against ill-considered action on the part of the Government. It also provides security for the just rights and liberties of the individual. In spite of your Machiavelli, your Hobbes, and your Locke, politics and morals are wedded, and no man may set them asunder by any method of divorce. The opposed and conflicting interests of the different individuals "interpose a salutary check on all precipitate resolutions. They render deliberation a matter, not of choice, but of necessity; they make all change a subject of compromise, which necessarily begets moderation; they produce temperaments, preventing the sore evil of harsh, crude, unqualified reformations, and rendering all the headlong exertions of arbitrary power, in the few or the many, for ever impracticable. Through that diversity of members and interests, general liberty has as many securities as there are separate views in the several" sections; "whilst by pressing down the whole by the weight of a real monarchy" (as in England) "the separate parts are preserved from warping, and starting from their allotted place."

Complexity is the note of the State. He insists: "When I hear the simplicity of contrivance aimed at, and boasted of, in any new political constitution, I am at a loss to decide that the artificers are grossly ignorant of their trade, and totally ignorant of their duty. The simple governments are defective, to say no worse of them. If you were to contemplate society in but one point of view, all these simple modes of polity are infinitely captivating. In effect each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole should be imperfectly and anomalously answered than that, while some parts are provided for with great exactness, others might be totally

neglected, or perhaps materially injured, by the over-care of a favourite member."

The judgment Burke pronounced on the Revolution in 1790 was not the judgment he pronounced in 1796-7 in his *Letters on a Regicide Peace*. In the early phase the question of right was all-important, while in the later phase the exaltation of the State was no less all-important. Now "France differs essentially from all those governments which are formed without system, which exist by habit, and which are confused with the multitude and with the perplexity of their pursuits. What now stands as the government in France is struck out at a heat. The design is wicked, immoral, impious, oppressive; but it is spirited and daring; it is systematic; it is simple in its principle; it has unity and consistency in perfection. In that country entirely to cut off a branch of commerce, to extinguish a manufacture, to destroy the circulation of money, to violate credit, to suspend the course of agriculture, even to burn a city, or to lay waste a province of their own, does not cause them a moment's anxiety. To them, the will, the wish, the want, the liberty, the toil, the blood of individuals is as nothing. Individuality is left out of their scheme of government. The state is all in all."

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## Chapter X.

### THE UTILITARIANS AND DEMOCRACY.

HOBBS had found the obligation of right in the contract, though Spinoza had changed the issue of right to that of expediency or utility. David Hume (1711-76) made the same attempt as Spinoza, giving us the subtlest form of the utilitarian philosophy, a philosophy that left its mark in England and in America, though not nearly to the same extent in Europe.

Hume's theory appeared in his three works, but chiefly in his *Essays* (1741). With men of the cast of mind of Burke, morality is mysterious, as it is perplexing with other philosophers. With Hume mystery and perplexity vanish, and instead of them we have a delightful lucidity. Morality becomes so admirably simple that a doubt steals over the mind. Does this admirable simplicity quite cover all the facts of life? Hume was certain that it did, and his certainty impressed itself on the minds of his many readers. Basing morality on experience, for a time his explanation achieved a wonderful success. We apply our felicific calculus, and on the balance of pleasures or pains we settle its worth. Nor does he ask us to apply it with those powers of wisdom that Spinoza and Bentham both demand. The champions of reason, he held, had gone wrong because they had rejected pleasure entirely. The difficulty he perceived lay in the adoption of some test of pleasure which should itself be nothing more than a special modification of the primary sense of pleasure. Hume confidently entertained the belief that he had found such a test in the moral sense. In the exercise of this sense there are two passions: sympathy and, alternatively, either love or pride; love, if the action be contemplated in another; pride, if attributed to ourselves. The need of sympathy is obvious, for it is only by it we can enter into the feelings of another. The need of love or pride is no less obvious. They are the passions naturally and inevitably called forth,

according as we either witness the performance of that action by others, or conceive of it as performed, or about to be performed, by ourselves. Hutcheson was the first to lay down the doctrine of the greatest happiness of the greatest number. Whatever may be thought of it in the domain of morals, it is certainly the main guide in the domain of legislation.

Hume maintains that the ultimate motive for obedience to the State is self-interest or utility, though he is too clear-sighted not to admit that with the overwhelming majority of men the motive is the sense of duty. Whatever else the World War demonstrated, it demonstrated that the claim of duty is as insistent as ever it was. Hume assumes that the motive which originally draws man into society is self-interest, which leads him on to the establishment of a settled government. The theory of contract will not serve; it is a pure delusion. The weakness of Hume, however, is the absence of that deep feeling which Butler and Burke associate with the word "conscience." By his whole train of reasoning Hume is obliged to give duty a secondary place. Is this its place? Life tells us that it is not. Hume himself, in his treatise *On Morals*, makes an admission which destroys the utilitarian position: "I cannot forbear adding an observation which may perhaps be found of some importance. In every system of morality which I have hitherto met with, I have always remarked that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of God, or makes some observations concerning human affairs; when of a sudden I am surprised to find that, instead of the usual copulation of propositions, *is* and *is not*, I meet with no proposition that is not connected with an *ought* or an *ought not*. This change is imperceptible; but is, however, of the last consequence. For as this *ought* or *ought not* expresses some new relation or affirmation, it is necessary that it should be observed and explained, and at the same time that a reason should be given for what seems altogether incomprehensible, how this new relation can be a deduction from others, which are entirely different from it." Newman dots the i's and strokes the t's of Hume when he remarks that while many

a man will live and die for the sake of a dogma, no man will be a martyr for a conclusion. Treitschke was right for once when he discerned "das unsterbliche Fortwirken der sittlichen Mächte der Geschichte."

A double portion of the spirit of Hume did not descend upon Jeremy Bentham (1748–1832), but a double portion of his influence certainly did, for one of the most influential men of the whole nineteenth century among the English-speaking peoples is this distinguished law-reformer. Like Darwin, he owed his leisure for law to the wealth he inherited. Though he lived the larger part of his days in the eighteenth century, he did not attain name and fame till the nineteenth, and, indeed, Dicey places the period of his dominance from 1825 to 1870. Like Voltaire, he lived to a ripe old age, becoming a sort of institution in England. Capable of grasping general principles, he was no less capable of grasping details in all their complexity.

The details of law he lit up by the principle of the greatest happiness of the greatest number. When about twenty he found this formula in a pamphlet of Priestley's, and accepted it as the guide of his life. "It was by this pamphlet and this phrase in it," writes Bentham, "that my principles on the subject of morality, public and private were determined. It was from that pamphlet and that page of it that I drew the phrase, the words and import of which have been so widely diffused over the civilised world. At the sight of it, I cried out as it were in an inward ecstasy, like Archimedes on the discovery of the fundamental principle of hydrostatics, *Εὕρηκα!* Little did I think of the corrections which within a few years on a closer scrutiny I found myself under the necessity of applying to it."

There is a base as well as a noble aspect of utilitarianism, and the very noblest aspect appears in the personal life of Bentham. He asks the question, "Would you appear actuated by generous passion? be so.—You need then but show yourself as you are.

"I would have the dearest friend I have to know, that his interests, if they come into competition with those of the public, are as nothing to me. Thus I will serve my friends—thus would I be served by them.



"Has a man talents? he owes them to his country in every way in which they can be serviceable." He also asks other questions. "Have I a *genius* for anything? What can I *produce*?" That was the first inquiry he made of himself. Then came another. "What of all earthly pursuits is the most important? 'Legislation,' was the answer Helvetius gave. 'Have I a genius for legislation?' Again and again was the question put to himself. He turned it over in his thoughts; he sought every symptom he could discover in his natural disposition or acquired habits. 'And have I indeed a genius for legislation?' I gave myself the answer, fearfully and tremblingly, 'Yes.'"

Fortunate in his great genius, Bentham was no less fortunate in the splendid band of disciples he gathered around him. Among them was Sir Samuel Romilly, the law reformer; James Mill, the historian of India, economist and mental philosopher; David Ricardo, the economist who believed that there was the economic man *par excellence* inside every man; and John Austin, who analysed at laborious length the conception of sovereignty. In turn this band gathered such followers as the philosophic Radicals, who numbered among them Grote, Roebuck and Molesworth. It also gathered such followers as the Whigs, who numbered among them Brougham, Russell and Macaulay. Nor is it too much to say that the Benthamites embraced the middle classes.

There is no inherent necessity for utilitarianism to wear an individualist form, but such was the form it at first wore. In the individualist creed there is always the gap Locke indicated. Like all individualism, it neglects the social aspect of human nature. If all sections of the people are vigorously striving to realise themselves, there is perhaps no such gap on the scale sometimes imagined. But what if they are not? What if there are sections unable as well as unwilling to realise all of which their life is capable? If the individual strives, he realises his happiness. If all individuals strive, they realise their happiness. From this standpoint, Lord Melbourne's "Why can't you let it alone?" exposes the implicit assumption of the belief in *laissez-faire* long entertained by the utilitarians. Such an attitude will

help us to understand the attitude of the Liberals who opposed the Trades Union Acts. For they trusted to *laissez-faire*, and they failed to realise how little justice their creed did to those corporate aspects of men that individualism tends to ignore.

There is a connection between Puritanism and Utilitarianism, and it is not altogether fortuitous that Cromwell and Bentham were ardent law reformers. Cromwell failed, for, as he observed to Ludlow, "The Sons of Zeruiah are too strong for us." In Bentham, Rousseau would have found the very Lawgiver for whom his soul yearned. Nor was the great utilitarian unwilling to act in this capacity. In July, 1817, he addressed the citizens of the United States, the final sovereign, in earnest and remarkable words, very flattering to their national and individual vanity. He invites them, through the benefits his legislation would confer on them, and through the great example it would set, which would be quickly followed, to more glorious conquests than any hitherto known. In 1822 he issued an "appeal to all nations professing Liberal opinions," feeling that it would be more appropriate for them than for despotic governments to draw up "for the competent authorities" a draft of an all-comprehensive body of law. His addresses and his appeals met with no success. It is perhaps surprising that the United States turned a deaf ear to his offer, for it was then largely Puritan. The blend of innovation with essential conservatism was a feature of Bentham's creed that might have met with some response.

Hobbes and Locke base their views of man as a politician on the theory of natural law. Burke bases his on this theory and the theory of utility, combining them both with the sense of moral duty on which Butler and Hutcheson laid so much stress. With Bentham his theory is utilitarianism pure and simple. Actions to him are right or good in proportion as their tendency is to produce a balance of utility or pleasure or happiness. In like manner actions are wrong or evil if their general tendency is to produce more pain than pleasure, more misery than happiness, taking into account the whole possible train of consequences. Nor was his teaching outside the current of opinion by 1830.

Samuel Johnson, the moralist of the preceding generation, and Paley, the accepted theologian of the day, had alike advocated the fundamental dogma of Benthamism, that the aim of existence was the attainment of happiness. For the Benthamites were as zealous for individual energy as the Evangelicals were for personal religion. Bentham wrote to express his sympathy with the exertions of Wilberforce "in behalf of the race of innocents (*i.e.* the slaves), whose lot it has hitherto been to be made the subject-matter of depredation, for the purpose of being treated worse than the authors of such crimes are treated for those crimes in other places."

Bentham was indefatigable in his efforts to find a moral pathometer in order to test accurately pleasures or pains. He lays down that pleasures only differ in intensity, duration, certainty or uncertainty, propinquity or remoteness in time. But if we take away conscience, as Bentham does, there is no such thing as a moral or an immoral action, though there may remain acts that are generally useful or the reverse. As there is no individual conscience, so there is no collective conscience. The culprit does not feel the censure of the community.

The law-reformer is on surer ground when he tells us that happiness consists in four things—subsistence, abundance, equality, liberty, civil and political, and, above all, security. He was thoroughly of Burke's opinion that whenever there is a separation between liberty and justice, neither is safe. He shows that "when security and equality are in conflict it will not do to hesitate a moment. Equality must yield. The first is the foundation of life; subsistence, abundance, happiness, everything depends upon it. Equality produces only a certain portion of good. Besides, whatever we may do, it will never be perfect; it may exist for a day; but the revolutions of the morrow will overturn it. The establishment of a perfect equality is a chimera; all we can do is to diminish inequality." Vigorously he lays bare the conditions necessary to carry out a scheme of equality: "If equality ought to prevail to-day it ought to prevail always. Yet it cannot be preserved except by renewing the violence by which it was established. It will need an

army of inquisitors and executioners as deaf to favour as to pity; insensible to the seductions of pleasure, inaccessible to personal interest; endowed with all the virtues, though in a service which destroys them all. The levelling apparatus ought to go incessantly backward and forward, cutting off all that rises above the line prescribed. A ceaseless vigilance would be necessary to give to those who had dissipated their portions, and to take from those who by labour had augmented theirs. In such an order—that of prodigality, there would be but one foolish course—that of industry. This pretended remedy, seemingly so pleasant, would be a mortal poison, a burning cautery, which would consume till it destroyed the last fibre of life. The hostile sword in its greatest furies is a thousand times less dreadful. It inflicts but partial evils, which time effaces and industry repairs.”

Bentham is the most determined opponent of natural law and natural rights. This comes out in a thousand ways. He mercilessly dissected the obvious fallacies contained in the American Declaration of Rights, with its enumeration as self-evident truths that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that among these are to be found the right to life, liberty and the pursuit of happiness. Similarly he deplored the publication in France of the Declaration of Rights. “I am sorry,” he tells Brissot, “you have undertaken to publish a Declaration of Rights. It is a metaphysical work—the *ne plus ultra* of metaphysics. It may have been a necessary evil, but it is nevertheless an evil. Political science is not far enough advanced for such a declaration.” In truth Bentham and Burke alike rejected all these abstract statements of innate rights, and to the former they were a mere “hodge-podge of confusion and absurdity.” Theoretically, the doctrine of natural rights places a limit on the despotism of the majority. Does it do so practically? We entirely doubt it. Dicey points out that the Declaration of the Rights of Man did not save from death one among the thousands of innocent citizens dragged before the Revolutionary Tribunal of France, nor has it saved the victims of the Bolshevik tyranny. Did the

American Declaration of Independence, with its proclamation of the inalienable rights of man, deliver a single negro from slavery?

If utilitarianism at first promoted individualism, it proceeded to promote collectivism. Dicey points out that somewhere between 1868 and 1900 three changes took place which brought into prominence the authoritative side of Benthamite liberalism. The first was that faith in laissez-faire suffered an eclipse, and the principle of utility henceforward favoured the absolutism of the State, not the freedom of the individual. Secondly, parliament under the progress of democracy became the representative of the whole body of householders, not of the middle class. In practice parliamentary sovereignty passed from the employer to the employed with consequent changes in legislation. Thirdly, English administrative machinery was reformed and strengthened. In accordance with the profound Spanish proverb, "the more there is of the more the less there is of the less," the greater the intervention of the Government the less becomes the freedom of each individual citizen.

Sir Henry Maine was not exactly prejudiced in favour of the great utilitarian, yet he owned: "I do not know a single law reform effected since Bentham's day which cannot be traced to his influence." In his masterpiece, his *Ancient Law*, Maine pronounced in 1861 that "it is impossible to overrate the importance to a nation or profession of having a distinct object to aim at in the pursuit of improvement. The secret of Bentham's immense influence in England during the past thirty years is his success in placing such an object before the country. He gave us a clear rule of reform. English lawyers of the last century were probably too acute to be blinded by the paradoxical commonplace that English law was the perfection of human reason, but they acted as if they believed it for want of any other principle to proceed upon. Bentham made the good of the community take precedence of every other object, and thus gave escape to a current which had long been trying to find its way outwards."

Bentham declared: "I was the spiritual father of Mill,

and Mill the spiritual father of Ricardo." In James Mill (1773-1836), Sir L. Stephen points out that utilitarianism showed all its most characteristic qualities. The resolution to keep to solid facts, and not to be misled by words; the attempt to treat all problems by a scientific method, the blindness to opposite schemes of metaphysical thought, and the contempt for the mystical and the sentimental, are apparent in all Mill's writings.

Important as James Mill is, his son, John Stuart Mill (1806-73), is incomparably more important. The passion for humanity and its highest interests is the one that inspired his singularly influential life. The "fire" truly celestial that consumed Rousseau for ten years consumed Mill for the whole of his life, and we experience no surprise when Mr. Gladstone called him the saint of rationalism. Reuchlin said: "I reverence St. Jerome as an angel, I respect De Lyra as a master, but I adore truth as a God." Whatever Mill's attitude to St. Jerome and De Lyra may have been, he, too, adored truth as a God, and spent his whole life in its ardent pursuit. Ever a learner, we know of no philosopher who avowed and disavowed so many views. Bentham was his master in ethics and politics; but, on discovering the narrow range of his outlook, he broke away from him. Coleridge succeeded to the vacant place until he was superseded by Herder, Michelet, Guizot, and, above all, Comte. Mill began by regarding Ricardo as the creator of Political Economy, and he ended by throwing over some of the most fundamental of the creator's theories, e.g. his naked individualism and his belief in competition. Under the sway of Robert Owen and Louis Blanc, Mill preached co-operation in production as well as in distribution. Had his prediction of its infinite worth proved correct, co-operation would have resulted in one of the greatest of revolutions, all the greater because it would have quietly superseded the capitalistic system. An individualist in his *Principles of Political Economy* (1848) and a thorough-going individualist in his able tract *On Liberty* (1859), he is a Socialist in his remarkable *Autobiography*. In the last book he candidly confesses: "I felt that he (Carlyle) was a man of intuition, which I was not; and that, as such, he saw

not only many things long before me, which I could only, when they were pointed out to me, hobble after and prove, but that . . . he could see many things which were not visible to me even after they were pointed out."

Confession—when it is candid—is good for the soul, and the *Autobiography* gives us much needed light on the soul of Mill. Without original intuitions and with logical acuteness, he gave the intellectuals that synthesis the times demanded. His mind was a lighthouse, revolving and casting different lights from the same central fire. Yet he only obtained glimpses when some of us might wish for a view. It is astonishing that a man should do and be so much, and yet never, in spite of aspirations, succeed in being more. As one studies his calm face, "oppressive with the mind," one receives the impression of an infinite reserve of force, of a power of toil and endurance almost more than human; and the impression is well founded. Ever ardent, he was also sanguine, so sanguine that he looked for more than was possible, and expected it sooner than it was possible. Life gives much. Does it give all that the social reformer demands from it? Can human nature even take from life, in consequence of its limitations, all that it can give? One limitation certainly sprang from his systematic education in the principles of Benthamism. There is the real Mill and there is the Mill with his father's relentless training from infancy impressed upon him. In after years we seem to see the soul of Mill, like Milton's lion at creation, struggling to become free.

No Knight of the Round Table ever sought the Holy Grail one whit more ardently than Mill sought for liberty of thought in general and the emancipation of women in particular. His noble plea *On Liberty* and his passionate plea against *The Subjection of Women* might have been composed by any literary knight errant. His romantic devotion to his wife inspired him to be the Perseus to set free the modern Andromeda. *On Liberty* forms a not altogether consistent apologia on behalf of individualism and its principle of laissez-faire. In it Mill eloquently denounces not merely legal oppression, but social. He realised keenly the extent to which the action of the

individual could be hampered by social habits and conventions. The one object of wise law and sound policy is the protection of freedom. So much is this the case that he deplores the intervention of the State in any function that the individual can discharge. For instance, in this tract, published in 1859, he deprecates the direct assumption by the State of educational facilities, contending that it ought to do no more than compel parents to provide for the elementary education of their children. He was so staunchly convinced of the value to be attached to individual spontaneity that he treated the promotion of freedom as the most important task of the State. The tyranny of opinion he dreaded every whit as much as Lord Bryce dreaded the fatalism of the multitude.

As a believer in progress, Mill occupied himself in the attempt to discover its laws. In his most important book, his *Logic* (1843), by the aid of Comte and Coleridge he seeks to expound its laws. He believed that all social phenomena, as well as physical phenomena, were subject to natural laws, and that societies in their evolution—he anticipated Darwin, just as Newman anticipated him—were subject to natural laws of change, of growth and decay, just as the living bodies were. Comte claimed to place such a conception on a solid basis by his discovery of the Law of the Three Stages. The human mind, in considering the phenomena of nature, has passed through three grand stages; in the first (which subdivides again into three), phenomena were conceived to be produced by fetiches, and the like; then among the nations of antiquity by a number of different deities, national or tribal, or, as with the Greek, by deities having different provinces of nature under their direction—the winds, the lightning, the sea, etc.; while with the Jews all these deities become merged into one supreme Deity. These three successive sub-stages are known as the Theological stage of human conceptions and of the explanation of things. The next stage, which comes in due course of time in all civilisations, is the Metaphysical, when a superior order of minds becomes dissatisfied with the best theological explanation, and tries to explain them by “entities” behind or within the phenomena. This stage,



Comte thinks, was reached among the Greeks by the philosophers about the time of Aristotle, and in the Western World in the Middle Ages, when the nascent science was filled with vicious metaphysical and scholastic entities such as "vital force," "Nature's horror of a vacuum," and the like, mere fancies and abstractions turned into realities by the schoolmen and followers of Aristotle which clogged the efforts of genuine scientific inquiry. This state of things persisted till the Baconian reformation, when science became finally emancipated from bad metaphysics. The theological view of things, with its crude explanations, still continued, in Comte's judgment, outside science, which metaphysics was still endeavouring to soften and make less rude and anthropomorphic. At length appeared a philosopher (Hume), a metaphysician even, endowed with the Positive spirit, who boldly asserted that the notion of cause was itself fictitious and illegitimate, that what was said to be causation was mere invariable antecedence and succession. In the first stage, the mind invents; in the second, it abstracts; in the third, it submits itself to positive facts. The proof that any branch of knowledge has reached the third stage is the recognition of invariable natural laws. For a time the Law of the Three Stages satisfied Mill. Becoming dissatisfied with it, he fell back on the far profounder philosophy of Coleridge, who, like Burke, put a new spirit into the old conservatism by his attempt in his political writings to find a philosophical basis for doctrines previously supported by little else save prejudice.

In his aim of discovering general laws of progress, Mill naturally had to face the problem occasioned by the sudden appearance of the great man. His solution is that "such men may be indispensable links in the chain of causation by which even the general causes produce their effects." He proceeds to tell us: "I believe this to be the only tenable form of the theory. Without Mahomet no Averroes or Caliphs of Bagdad or Cordova; without Newton no Newtonian philosophy, at least until there had been another Newton or his equivalent. It might have been produced, perhaps, in successive steps by inferior men coming after him. But even the least of these steps requires a man of great

intellectual superiority." The influence of a great man (or a good government) of a Confucius, Lysurgus, Themistocles, Julius Caesar, Luther, he allows, but he thinks their influence tends to become less as compared with the broadening stream of other forces, and with the result that historical science becomes less subject to the disturbing influence of great or revolutionary characters.

Logician as he was, Mill occasionally did not perceive the full extent of the application of his own principles. Take an instance in the pages of his eloquent book *On Liberty*. In it he declares that "despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one." Precisely so, but did Mill not see that the principle laid down here applies to every case where a government is far more intelligent than the governed? Such a concession cuts the ground from under his feet just as surely as the admission that "even the least of these steps requires a man of great intellectual superiority." The truth is that the genius differs so much from the rest of mankind that the difference is barely measurable. Is it possible to compute how many average F.R.S.'s would combine in bulk and produce the work of a Newton? Surely such a gigantic genius voyages in seas of strange thought alone, and he is never less alone than when alone.

Talk as loudly as we please about the science of history or political philosophy, the front presented by such subjects is broken by the existence of the great man. Clerk-Maxwell used to imagine the effects upon a law of science if pixies were present, and he deduced, granted this premiss, astonishing results. In the domain of history and political philosophy, if we grant the presence of pixies in the shape of the genius, we, too, are face to face with equally astonishing results. Of course it is possible to term our subjects

scientific, if we accept the remarkable version of the laws of science presented by such a man as Henri Poincaré. For he shows that in the normal world in which we live such laws are clever statistical averages which do not apply to the infinitely small world of the atom or to the infinitely large world of the planet.

It is no more possible to resolve Newton into a thousand F.R.S.'s than it is to resolve Mohammed into a thousand Arabs. Would any number of Arabs produce the monotheism he produced? To ask such a question is to answer it. There is a street in Florence on each side of which stand statues of the famous Florentines of the fourteenth and fifteenth centuries—Dante, Giotto, Petrarch, Boccaccio, Ghiberti, Machiavelli, Michael Angelo and others scarcely less illustrious, all natives of this little city which in their day had never a population of more than seventy thousand souls. No one, as Lord Bryce justly says, can walk between these rows of world-famous figures, matched by no other city of the modern world, without asking himself what cause determined so much of the highest genius to this one spot; why in Italy herself populous Milan and Naples and Venice have no such list to show. Nor is this the only question the problem of the genius suggests. Why did England produce no first-rate poet in the two stirring centuries between Chaucer and Shakespeare, and again in the century and a half between Milton's birth and Wordsworth's? Why have epochs of comparative sterility more than once fallen upon France and Germany? Why has music sometimes reached its highest pitch of excellence at moments when the other arts are languishing? Why does the sceptre of intellectual and artistic leadership pass now to one great nation, now to another, inconstant and unpredictable as are the shifting winds?

All we can say is that "the wind bloweth where it listeth." There are such surprises as a Newton from a Lincolnshire farm—or a Tennyson from a Lincolnshire rectory—or a Kelvin from the heart of busy Belfast. The greatest personalities in science have not obviously been the product of their environment. Nor is it a whit more true of literature or war or statesmanship. Literature has its surprise in a

Shakespeare from Stratford-on-Avon, war its surprise in a Napoleon from Ajaccio, and statesmanship in a Lincoln from the backwoods of America. Environment, no doubt, in skilful hands will explain much, but will it explain the origin of a Newton and a Kelvin, of a Shakespeare and a Tennyson, of a Napoleon and a Lincoln?

If the great man cannot be resolved into his environment, there is yet another mode of disposing of him. He is no longer wanted. If we take science, we are told that the labours of Laplace and Lagrange, Young and Joule, Faraday and Clerk-Maxwell are pretty well finished, and that only the lesser work remains now to be carried out. Men like the late Mr. C. H. Pearson, in his striking book on *National Life and Character*, assure us that chemistry rests on the atomic theory, and that even if future investigation enables us to forecast with absolute precision what the result of combinations hitherto unattempted will be, that discovery will hardly eclipse the merit of Dalton's contribution to science. Whether Darwin or some one else shall have disclosed the great mystery of the generation of life, it is none the less certain, according to Mr. Pearson, that all future triumphs will be insignificant by the side of the first luminous hypothesis. Every astronomer knows that there was only one secret of the universe to be discovered, and that when Newton told it to the world the supreme triumph of astronomy was achieved. Yet in our own day Einstein has announced in his theory of relativity one of the most far-reaching of conceptions. The work of such Cambridge scholars as Sir J. Larmor, Sir J. J. Thomson, Sir E. Rutherford, N. Bohr and Henry Moseley promises to revolutionise our whole conception of the atom. We wholly repudiate the idea that the great man of science is simply one who utilises the labours of a thousand predecessors. In this department of knowledge, as in all others, the genius is as much in demand as he ever was, and his opportunities are just as limitless.

There was a golden age of English literature in the days of Wordsworth and Byron, of Shelley and Keats. Then came the interregnum before the great Victorians appeared. During the generation after 1815 there was complaint after

complaint that the sun of our literary glory had set. We were told that certain kinds of poetry had become impossible, and that certain others were rapidly being exhausted. Yet the Victorian bead-roll of poets contains such names as Tennyson, R. Browning and E. B. Browning, Arnold, Clough and Thomson. On the bead-roll of novelists we have Thackeray, Dickens, Disraeli, Reade, Kingsley, Trollope, Meredith, Butler, Gissing, the Brontës, Mrs. Gaskell and George Eliot, who possessed the Shakespearian power of putting life into every touch. Nor is it true to say that the labours of the statesman are finished when a Cavour has unified Italy, when a Bismarck has unified Germany, and when a Lincoln has preserved the unity of the United States. The genius is always wanted, and the genius in statesmanship is at this moment more urgently wanted than ever. The world is hungering for statesmen of the first rank. The man with instinctive sympathy for the conditions under which his work is to be done, who knows what he wants and knows what he does not want, who is aware of the limitations under which his tasks must be executed—such a man is in as keen demand as he ever was. Instead of him we get at Peace Conferences, for instance, the man who takes the readiest, the most obvious way to gain his end, who barely stops to consider how he can do his work, from the angle of the future, most acceptably. The difference between the politician and the statesman is obvious. The politician keeps his eyes on the ground, listening to the voice of the mob. The statesman keeps his eyes on the ground and also on the hills, divining, if he can, the future. Such a man has Lord Chatham's gift of inspiring others with the confidence he feels himself. He is master because he is entitled to be and because he is fit to be. Like the high-minded man in Aristotle's *Ethics*, he thinks himself equal to great things, and he is equal to them. No one—not even J. S. Mill—will persuade us either that the times do not demand such a man or that he will find no scope for his genius when he appears.

Mill's *Principles of Political Economy* appeared in that year of revolutions all over Europe, 1848. The sub-title announced that it dealt with some of their applications to

social philosophy, a position far removed from that of Bentham or his father. The State has now many functions allotted to it of which the early utilitarians never dreamed. Dicey draws attention to the transformation in thought that was then taking place. He points out that it is no accident that Carlyle's *Latter Day Pamphlets* (1849-50), filled with denunciations of laissez-faire, the *Tracts on Christian Socialism* (1850), which turned men's hearts towards the duties of Christians as the members of society, Kingsley's *Alton Locke* (1850), which to many contemporaries seemed to preach rank socialism, Mrs. Gaskell's *Mary Barton* (1848), which painted sympathetically the position of workmen conducting a strike, and thereby earned the bitter censure of W. R. Greg, the representative of economists and mill-owners—all belonged to the years 1848-50. Nor was Mill uninfluenced by the distrust of Political Economy exhibited by Comte.

In 1861 appeared Mill's striking *Considerations on Representative Government*. His *Logic* was filled with a boundless hope in the possibilities of progress: his *Considerations* is filled with a bounded hope in its possibilities. Democracy is coming, but he feels the pessimism engendered by the experience of life. May not the labouring classes try short cuts to raise their material condition? May they not seize capital? There had been a Reform Bill in 1832 and there was to be another in 1867. While Mill notes the advance in the democratic direction, he clearly desires this advance to be accompanied by checks which he fancied would protect the rights of minorities. There is still faith in democracy, but it is distinctly chastened.

The views of Montesquieu and Burke in the past, and the labours of the great Victorian historians in the present, render Mill unable to accept some of the Utopian hopes of progress entertained by Bentham. He believed that laws could be passed without any thought on what Burke deemed so important, the circumstances that were bound to colour every clause of them. He denies the position of Burke, who held that forms of government are not made, but grow. According to Mill the form of government is a matter of choice, of will and purpose, if three conditions are fulfilled.

"The people for whom the form of government is intended must be willing to accept it; or at least not so unwilling as to oppose an insurmountable obstacle to its establishment. They must be willing and able to do what is necessary to keep it standing; and they must be willing and able to do what it requires of them to enable it to fulfil its purposes," the word "do" being used in a wide sense, including to "forbear" from doing anything opposed to these conditions. Yet a twentieth century Burke might be found arguing that because Germany to-day is a republic, it is not correct to argue that she will remain one, as all her traditions are monarchical. There are, in fact, races with deferential traditions and races with liberty-loving ones. Even if both sets of races complied with Mill's three conditions, is it not certain that representative institutions will be a failure with the former compared with the latter? The power of public opinion has been ably analysed by Mr. W. Lippmann and Mr. A. L. Lowell and Mr. A. V. Dicey, and it is a power which Mill never sufficiently took into account.

In his *Considerations* Mill raises the question of the criterion of good government. Is the criterion order? Is it progress? The criterion cannot be that it harmonises order and progress, as Comte asserts, or permanence and progress, as Coleridge puts it. For what do we mean by order? Is it obedience? Mill defines order "as the preservation of all kinds and amounts of good which already exist, and progress as consisting in the increase of them." Surely this means that the conditions of order and progress are not opposed, but are the same. The same qualities in the citizen, the same social arrangements, a sound police, good laws, a good judicature which promotes order, are conducive to order—and conducive to progress. Are we to say, then, that progress forms the sole end of government? Metaphysically, we may indeed say so. Mill then considers ends that a good government should propose to itself. Finally, he tells us that the best government is that which tends "to promote the general mental advancement of the community, including under that phrase advancement in intellect, in virtue, and in practical activity and efficiency"; and which best organises "the moral and

intellectual and active work already existing, so as to operate with the greatest effect on public affairs. . . . Government is at once a great influence acting on the human mind, and a set of organised arrangements for public business; in the first capacity its beneficial action is chiefly indirect, but not therefore the less vital." The best government raises the mental stature of the individual, and employs the finest means for the public business of the State.

Carlyle thought that if a good despot were always available despotic government would be the best. To Mill, with his sanguine belief in the merits of representative government such a belief undermined all the foundations of his political creed. The benevolent despot—and the malevolent despot—has played his part, and no doubt will play it again. During the eighteenth century such enlightened sovereigns as Joseph II, Catherine II and Frederick II, governed their respective countries because, as Mill admitted, they were far more intelligent than their subjects. What these three did through their own actions rulers like Joseph of Portugal, Charles III of Spain, and Christian VII of Denmark did through the action of such enlightened ministers as Pombal, Tanucci, Aranda and Bernstorff. "I am but the first servant of the nation," wrote Frederick the Great. Thinkers like Diderot defended his attitude, an attitude that received support from other benevolent despots like Gustavus III of Sweden and the Archduke Leopold of Tuscany. Joseph II defended his absolutism on the ground that he exercised his power for the benefit of his subjects. Nor is it possible to-day to deny the fact that a section of the people has grown tired of representative institutions, and it has installed, at the point of the bomb and the bayonet, those who represent its ideas. A minority of Bolsheviks in Russia, of Fascisti in Italy, and of Sinn Feiners in Ireland, give the lie to much that Mill lays down in praise of the wonder-working qualities of the vote and of representative institutions. You can do everything with bayonets except sit on them, remarked a Frenchman. When the Russians grow tired of sitting on the bayonets of the Bolsheviks, the Italians of the Fascisti, and the Irish of the Sinn Feiners, we think that a higher value will be given to the qualities



of popular government on which Mill laid such stress. He shows convincingly that despotism lowers the character of the people, and that free government raises and expands it.

The many transitions in Mill's thought marked how many milestones on the road he had passed since he had been a fervent individualist. As he gradually realised the weakness of the utilitarian theory, he approached a form of socialism that at bottom was inconsistent with his faith in popular government. "In (Mill's) case," writes Henry Sidgwick, the eminent political philosopher, "we have the remarkable phenomenon that the author of the book which became, for nearly a generation, by far the most popular and influential text-book of Political Economy in England, was actually—at any rate when he revised the third and later editions—completely Socialistic in his ideal of ultimate social improvement. 'I look forward,' he tells us in his *Autobiography*, 'to the time when the rule that they who do not work shall not eat will be applied not to paupers only, but impartially to all; and when the division of the produce of labour, instead of depending, in so great a degree as it now does, on the accident of birth, *will be made by concert on an acknowledged principle of justice*. Having this ideal, he 'regarded all existing institutions and social arrangements as merely provisional, and welcomed with the greatest pleasure and interest all Socialistic experiments by select individuals.' In short, the study planted by Adam Smith, and watered by Ricardo had, in the third quarter of the nineteenth century, imbibed a full measure of the spirit of Saint-Simon and Owen—and that in England, the home of what the Germans call 'Manchesterthum.'

"I do not mean to suggest that those who learnt Political Economy from Mill's book during this period went so far as their teacher in the adoption of Socialistic aims. This, no doubt, was far from being the case. Indeed—if I may judge from my own experience—I should say that we were as much surprised as the 'general reader' to learn from Mill's *Autobiography* that our master, the author of the much-admired treatise *On Liberty*, had been all the while looking forward to a time when the division of the produce of labour should be made by concert."

Matthew Arnold (1822-88) felt as few felt the *Zeitgeist*. When men tell the bead-roll of Mill's disciples, they not uncommonly omit his name, yet it deserves inclusion. Arnold stood far away enough from the French Revolution to look back upon it and its effects critically. It had shattered the old world of privilege and inequality, and in his *Mixed Essays*, published in 1879, he writes with keen insight on democracy and equality, and in his prose writings his two essays on these subjects are second to none in importance. The year 1789 had shattered the old world hopelessly. On the other hand, he did not stand far enough away to see what was to be the nature of the new world which must arise from its ruins. He was

Standing between two worlds, one dead,  
The other powerless to be born.

Where was the power that promised to make all things new? What delayed its coming? Arnold looked around him for any force capable of reconstructing society. The age just past had been powerful in destruction, powerless in creation. Macaulay was at ease in Zion because of the material progress of the age. Browning was convinced that "God's in his heaven," and therefore "all's right with the world." Arnold was unable to share the optimism of either the historian or the poet.

In his survey of democracy he revises the orthodox views on the dislike of State action, setting forth reasons for considering that there is no need of jealousy of such action. England had been governed by an aristocracy up to 1832, or, indeed, to 1867, and this aristocracy had governed in the grand style. Its day, however, has passed. Now "democracy is trying to *affirm its own essence*; to live, to enjoy, to possess the world, as aristocracy has tried, and successfully tried before it. Ever since Europe emerged from barbarism, ever since the condition of the common people began a little to improve, ever since their minds began to stir, this effort of democracy has been gaining strength; and the more their condition improves, the more strength this effort gains. So potent is the charm of life and expansion upon the living; the moment men are aware

of them they begin to desire them, and the more they have of them the more they crave."

The essay on *Equality* takes the form of an able—if elaborate—argument against freedom of bequest, an idea enjoying the hearty support of Mill. Men object, Certainly equality will never of itself alone give us a perfect civilisation. Arnold agrees, and asks, But with such inequality as ours, is not a perfect civilisation impossible?

Sir Henry Maine points out that no geniuses of an equally high order so completely divorced themselves from history as Hobbes and Bentham, and this divorce forms a weakness of the whole utilitarian school, even of such an outstanding member of it as Mill. He was well aware of this weakness in the case of others. In his essay on Coleridge he remarks that "no one can calculate what struggles, which the cause of improvement has yet to undergo, might have been spared if the philosophers of the eighteenth century had done anything like justice to the past." Voltaire and Hume regarded mediaeval history as the shufflings of kites and crows, and so long as such an attitude prevailed it was not possible to render justice to the work of Montesquieu and Burke. Sir Henry Maine (1822–88) was no utilitarian, yet we insert an account of his distinguished labours here because his comparative method supplemented the deficiencies of the utilitarians.

Darwin published his *Origin of Species* in 1859, and it is safe to say that few works have more profoundly modified the trend of political speculation. Up to 1859 men speculated about the future as if it would proceed to an end they could foresee. There was a definite end about political philosophy. With Mill, this end assumed the form of the extension of the vote with the consequent gradual diffusion of the benefits of representative government, and this view is as apparent in his treatise of 1860 as in his *Essays on some Unsettled Questions of Political Economy*, published in 1844. Such a grand idea as that of evolution obviously requires time in order to be received, and Huxley freely admitted that "There is not the slightest doubt that, if a General Council of the Church Scientific had been held at that time (the year 1860), we should have been condemned by an

overwhelming majority." No one can, then, expect to note the influence of the conception of evolution in our domain in a moment. The amazing matter is, however, that we do notice it at once. For in 1861 Maine published his *Ancient Law: its Connection with the Early History of Society and its relation to Modern Ideas*. This, like his other works, *Village Communities* (1871), his *Early History of Institutions* (1875), and his *Dissertations on Early Law and Custom* (1883), forms a capital illustration of the workings of evolution in the domain of institutions. It is difficult to know how far Maine was consciously influenced by Darwin, for his biography, written by Sir M. E. Grant Duff, sheds no light on this important matter. It seems quite likely that Maine's own genius enabled him instinctively to ascertain the far-reaching truth that there were stages in the world of institutions, and that each stage sprang out of the preceding one.

To many a man in the Victorian age the writings of Mill formed an epoch in his mental career, and to many a man so did the writings of Maine. He covers the history of society back to its dim beginnings in his own illuminating fashion. His standpoint is broadly philosophic, his style dignified. You are borne along the current of time, with this lucid and just spirit by your side upholding and instructing you. Beside you is the patriarchal system, the village community, the feudal system, the aristocracy, the monarchy, the democracy, the clash of races, the rise and fall of social systems, the conflict of nascent nationalities. Serene you float above them all, and ever as the panorama unrolls itself, the weighty measured unemotional voice whispers the true meaning of the scene into your ear.

Maine applied the comparative historical method as it had never been applied before, and this in part accounts for the resounding success of his evolutionary ideas. He sets before us the early and simple forms of past political societies down to their latest and most complex developments, and he also sets before us his study of contemporary societies. We glean that mankind all over the world is at different stages in its institutional history, and that there is scarcely any stage in the past that does not exist somewhere in the

present. What Sir Henry Maine did in his fashion, Walter Bagehot (1826-77) did in his. Twelve years after the appearance of the *Ancient Law* he published his seminal piece of work, *Physics and Politics*. He described it as an attempt to apply the principles of natural selection and inheritance to political society. His general view was that in early times the value of government chiefly consisted in the drill of a society into fixed habits, customs, preferences and rules of its own, so as to subdue arbitrary personal caprice, and to create a common mind and character, a common groove of thought and feeling. Accordingly he proceeded to show that Rome was able to triumph over Greece and other indifferently welded, though cleverer and more reflective, communities. Hence the dull fixed habit of acting all in one way as the English do was better than the sprightly divergences and differences of opinion among the French which make it difficult to know what they really wish, or whether they have any wish in common by which the masses are gravely affected. As Bagehot took trouble to point out, this drill may be too effective, it may go too far, and when it does we have cases of what he called "arrested civilisations." Such an arrested civilisation we have in China, where the common drill completely trampled out the disposition for cautious criticism and review of national prejudices, which ought to come sooner or later if there is ever to be an age of progress and discussion.

When Maine had done his work, Bagehot could do his. Maine's work was the more indispensable of the two, for he had to show that in the domain of legislations there were stages which bore a necessary connection with the history of the country in which law appeared. From the days of Bodin to those of John Austin (1790-1850) we had been taught that the supreme quality of the sovereign was the legislative one. Austin insisted that the domain of positive law was that of "law set by a sovereign body of persons to a member of the independent political society wherein that person or body is sovereign or supreme." In a word, Austin lived in the Victorian age when it had reached a point in the stage of its growth. Austin, however, was pre-Darwinian, and the stage in which he lived seemed

to him to be the final one. "As it hath been in the beginning, is now, and ever shall be, world without end, Amen," such was his mental outlook, only in some mysterious fashion he contrived to regard the beginning as precisely like the "is" stage. In fact, there is no genesis in law. In a way he discriminated between law and custom, and he held that where law was not positive the customs might be brought under his conception by holding that "what the sovereign permits he commands."

In his *Ancient Law*, Maine takes us back to those primitive conditions when the first germ of law lies in the patriarchal command of the father. Such a command imposes duties, sanctioned by punishments. There is, however, nothing to be associated with positive law in the Austinian sense with these patriarchal commands. The tribe appears to be the expansion of the family. Property belonged to it collectively, especially land. Maine gives us four examples of the stages of transition—the Highland clan and the Slav, the Hindoo and the Russian village community. Land proved the solvent of this natural communism, and the individual, with his rights, slowly emerged. Similarly, he gives us his explanation of the evolution of contract, resorting largely to Roman law for his instances. The outcome of this evolution Maine expresses in his well-known formula that progressive societies "pass from status to contract," or from the condition in which each one's position is settled legally and socially at his birth, to that in which each one forms it for himself by contractual relations freely made.

A philosopher who traces evolution in the past sooner or later comes to the present. Accordingly Sir Henry Maine proceeded in 1885 to review the prospects of *Popular Government*. Maine and Tocqueville were disposed to take unfavourable views of democracy just as Lord Bryce was disposed to take favourable ones. Tocqueville's *Democracy in America* appeared in 1835, and Lord Bryce's *Modern Democracies* in 1921. A survey of the writings of Tocqueville, Maine and Bryce will enable us perhaps to perceive the merits and the demerits of democracy.

Like many another author, though Tocqueville wrote

consciously about the democracy, he wrote subconsciously about the democracy of France. "J'avoue," he admits, "que dans l'Amérique, j'ai vu plus que l'Amérique; j'y ai cherché une image de la démocratie elle-même, de ses penchants, de son caractère, de ses préjugés, de ses passions." Like Plato in the *Republic*, he sets out by imagining that there exists somewhere a type or pattern of democracy, and as the American Republic comes nearest to this pattern, he accordingly selects it for examination. Tocqueville is impressed in the United States by the thoroughness with which the principle of the sovereignty of the people is carried out. He is no less impressed by the greater importance to ordinary citizens of State government than of Federal government, and their warmer attachment to the former than to the latter. The basis of all American government he finds to be in local government, the ultimate unit of which is in New England the township, in the Southern and Middle States the county. Curiously enough, the President appears to our author as a comparatively weak official. The Federal Supreme Court forms the noblest product of the wisdom of those who framed the Federal Constitution, a view heartily re-echoed by Maine and Bryce. We learn that next to the people, the greatest power in the country is the press; yet it is less powerful than it is in France, because the number of journals is so prodigious. Tocqueville perceives the striking inferiority of the House of Representatives to the Senate, a view also re-echoed by Maine and Bryce. He also notes instability in administration, and, above all, in legislation. Laws are being constantly changed; nothing remains fixed or certain. Nor is it correct to think that democratic governments are specially economical.

There is another side to the picture Tocqueville draws of American democracy, and here we employ the summary Lord Bryce gives. In democracies, the majority is omnipotent, and in America the evils hence flowing are aggravated by the shortness of the term for which a legislature is chosen, by the weakness of the Executive, by the incipient disposition to choose even the judges by popular vote, by the notion universally accepted that the majority must be right.

The majority in a legislature being unchecked, laws are hastily made and altered, administration has no permanence, officials are allowed a dangerously wide range of arbitrary authority. There is no escape from the tyranny of the majority. It dominates even thought, forbidding, not indeed by law, but through social penalties no less effective than legal ones, the expression of any opinion displeasing to the ordinary citizen. In theology, even in philosophy, one must beware of any divergence from orthodoxy. No one dare tell an unwelcome truth to the people, for the people will receive nothing but incense. Such repression sufficiently explains the absence of great writers and of great characters in public life. It is not therefore of weakness that free government in America will ever perish, but through excess of strength, the majority driving the minority to despair and to arms.

Tocqueville's range was nominally American, but it was also European. Maine's range is the whole world. Making use of the comparative method, he ransacks the field of history. He holds, like Tocqueville, that the opinions of the party reflect less the mind of its leader than that of the mind most likely to win favour with the greatest number of supporters. Maine then proceeds to point out the effects of the greatly extended franchise on progress. Let any "competently instructed person turn over in his mind the great epochs of scientific invention and social change during the past two centuries, and consider what would have occurred if universal suffrage had been established at any one of them. Universal suffrage, which to-day excludes Free Trade from the United States, would certainly have prohibited the spinning-jenny and the power-loom. It would certainly have forbidden the threshing machine. It would have prevented the adoption of the Gregorian calendar; and it would have restored the Stuarts. It would have proscribed the Roman Catholics with the mob which burned Lord Mansfield's house and library in 1780; and it would have proscribed the Dissenters with the mob which burned Dr. Priestley's house and library in 1791."

Maine is as afraid as Tocqueville of the wide electoral basis with its tendency to a dead level of cosmopolitan



opinion, which rulers are compelled to make the standard of legislation and policy, the "common sense of the most," as it was glorified by Tennyson in his earlier days. Maine also fears that artisans and agricultural labourers will use legislation in their own interests. Let them try it, in effect, says Maine. "In doing so, they will resemble not a number of claimants insisting on a fair division of a fund, but a mutinous crew feasting on a ship's provisions, gorging themselves on the meat, and intoxicating themselves with the liquors, but refusing to navigate the vessel. It is amongst the simplest of economical truths that far the largest part of the wealth of the world is constantly perishing by consumption, and that if it be not renewed by perpetual toil and adventure, either the human race or the particular community making the experiment of resting without being thankful will be extinguished or brought to the very verge of extinction."

In 1888 Lord Bryce wrote his classical two volumes on *The American Commonwealth*. In his eighty-fourth year he provided us with another two volumes on *Modern Democracies*, which are marked by all those judicial qualities so long associated with his pen. There is no sign that the author's intellectual eye had begun to grow dim or that his pen had lost any of its strength. His record equals that of Leopold von Ranke. At the age of eighty-five the great German historian informed his publisher that he proposed to write a new work on universal history; when he died six years later seven volumes of his *Weltgeschichte* had been dictated. Lord Bryce served his country not only as a teacher, but also as a statesman. He won distinction for himself and did good work for the world as a member of parliament, as a minister of the Crown and as ambassador at Washington. And his experience in the realm of action has given additional value to his work in the realm of thought.

In his *Modern Democracies* he sets out by discussing considerations applicable to democratic government in general. He uses the word democracy in its old and strict sense as a form of government, the position taken by Maine, Edmond Schérer, and J. R. Lowell. Of course it is

possible to argue that democracy is as much a form of State or a form of society as a form of government. Dealing with the republics of classical times, he points out, as he did in his 1867 essay,<sup>1</sup> that the democracies of Athens, Syracuse and Mitylene differ in respect after respect from those of our day. The classical State was a City-State, built on slavery. Besides, its business was simple compared with the complexities of a modern State. There was then no moral or spiritual bond to link men of different races together. Men then invariably regarded a stranger as an enemy. The feeling of brotherhood, transcending race and colour, was entirely unknown.

From Athens, Lord Bryce turns to the republics of Spanish America, and he only allows two or three of them any title to be called a democracy. The rest of the first volume is devoted to France, Switzerland—a land receiving a warm meed of praise—and Canada. The second volume deals with the United States, Australia, and New Zealand, and concludes with a masterly criticism of the democratic institutions in these six democratic countries. He explains that he did not feel confident of his impartiality in discussing controversies in the British Isles where the ashes of many hot disputes are not yet cold. But few of his readers will share his lack of confidence in his own impartiality. A man is truly impartial when, though convinced that one side is right, he sees the arguments for the other side, and then refutes them to the best of his ability. In this sense Lord Bryce shows that he is impartial. He is convinced that the democratic side is right, but he sees the arguments employed by its opponents and gives full weight to them in his own conclusions. He himself once quoted the example of Bishop Fraser, who was so anxious not to overstate his own case that when he came to speak at a public meeting on behalf of some enterprise, he was not content, like most men, to set forth its claims, but went on to dwell on the possible drawbacks or dangers, with the result that the more ardent friends of the scheme thought that he was pouring cold water on them, and called him a Balaam reversed. In the same spirit Lord Bryce is so honourably anxious to say

<sup>1</sup> *Essays on Reform*. By various writers.

nothing more than he thinks true in favour of democracy, that his defence of this form of government is sometimes embarrassing to its friends.

To take one example—the extent to which bribery and democracy go hand in hand in the United States—Lord Bryce writes: “Bribery is, or recently was, common in some districts, such as parts of Ohio and South-Eastern New York, as well as in some other cities, where a section of the less intelligent voters, especially the negroes in the Middle States, have been corruptible. Though prosecutions are sometimes instituted, the offence often goes unpunished, the two parties agreeing not to rip up one another’s misdeeds. The commonest method of corruption has been to give an agent a lump sum for all the votes he can deliver, and many of these he got without payment, perhaps by persuasion, perhaps, until Prohibition began to conquer State after State, by drinks and cigars.”<sup>1</sup>

He adds that in Congress “there is plenty of jobbery and log-rolling, the latter not necessarily corrupt, but mischievous and wasteful even when no bad motive is present.”<sup>2</sup> Nor are the States a whit behind Congress. “The carnival of jobbery and corruption which private bills have induced in State legislature has done more than anything else to discredit those bodies. Secret arrangements are made between the lobbyists who act for the promoters of the Bill, the members whom these lobbyists approach, and other members who usually have similar jobs of their own, and thus by the system called ‘log-rolling’ support is obtained sufficient to put the Bills through. Unscrupulous members use their own powers in another way, introducing Bills designed to injure some railway company or other wealthy corporation, and then demanding to be bought off. This form of blackmail is called a strike, and has been frequent in almost every State where there are large corporations to be squeezed. The threatened interests, obliged to defend themselves, justify their methods by the plea that their shareholders must be protected, and when legitimate means fail, because the composition and rules of the legislatures afford no protection, illegitimate means must be employed.”<sup>3</sup>

<sup>1</sup> Vol. II., p. 55.

<sup>2</sup> *Ibid.*, p. 67.

<sup>3</sup> *Ibid.*, p. 86.

The judges of the Supreme Court and those of six or seven States are above reproach. In most of the other States—there are close on fifty altogether—"the justices of the highest court are tolerably competent, even if inferior in learning and acumen to the ablest counsel who practise before them. Almost all are above suspicion of pecuniary corruption, though some of them are liable to be swayed by personal or political influences, for the judge cannot forget his re-election, and is tempted to be complaisant to those who can affect it. In these States the justices of the lower courts are of only mediocre capacity, but hardly ever venal."<sup>1</sup>

Of the remaining States, Lord Bryce speaks out vigorously: "All that can safely be said is that in a certain small number of States the bench as a whole is not trusted. In every court, be it of higher or lower rank, there are some good men, probably more good than bad. But no plaintiff or defendant knows what to expect. If he goes before one of the upright judges his case may be tried as fairly as it would be in Massachusetts or in Middlesex. On the other hand, fate may send him to a court where the rill of legal knowledge runs very thin, or to one where the stream of justice is polluted at its source. The use of mandatory or prohibitory power of the court to issue some injunctions, and of the power to commit for some alleged contempt of court, is a fertile source of mischief. Injunctions obtained from a pliable judge are sometimes moves in a stock-gambling or in a political game, especially if the lawsuit has a party colour."<sup>2</sup>

Apart entirely from the question of corruption, there is the fact that even yet Judge Lynch had not abdicated his functions, and widespread lawlessness prevails in the Southern States. In all the States, ex-President Taft, who had both exceptional experience and exceptional judgment, holds that "the lax enforcement of the criminal law" forms one of the greatest evils from which the people of the United States suffer. It is indeed obvious that the advocatus diaboli will have no trouble in penning a grave indictment against not only democracy in the United States, but

<sup>1</sup> *Ibid.*, p. 93.

<sup>2</sup> *Ibid.*, pp. 93-4.

democracy in general. For it would be as unfair as it would be untrue to prefer a charge of lawlessness against the people of the United States in particular. We have only to look at our own country to see how, concurrently with the increase in legislation, there has been a decline in the spirit of obedience to the law. The Reform Bills of 1832, 1867 and 1884 ushered in the new idea that there must be many measures passed in every session of Parliament. We tremble to think of the effects of the 1918 and 1928 Bills in this respect. It is true to say that more Acts are passed to-day in a single session than were passed during almost the whole of the seventeenth century. Has the habit of obedience grown to the same degree? During the great Civil War of the seventeenth century the judges went their circuits as if not a single Cavalier or Roundhead were in arms. Contrast this striking fact with our recent records. Nonconformists, headed by Dr. John Clifford, refused to pay rates on ground of conscience. The suffragettes refused to pay them on similar grounds. The example spread to the doctors who threatened their refusal to execute a Public Health Act. There was no need for Ireland to follow the example of England; she was able—and willing—to set her own example. The Sinn Fein movement began in 1906, and turned to drilling so early as 1909. The Ulster Covenanters, to meet the contemplated assaults on their lives, armed themselves in 1912. The Munitions of War Act prohibited strikes, but, in spite of it, the Welsh miners struck. Yet these miners received complete indemnity for their breaches of contract, which had imperilled thousands of lives at the front.

It is the fashion of foolish people to laugh at the idea of the Divine Right of Kings. If they laughed at the idea of the divine right of parliaments, we should understand them much better. For the Divine Right of Kings taught the people that the duty of obedience was a sacred one. It is easy to belittle this theory, but it is far more important to understand it. It may be laughed at as a sentiment, or a prejudice. Still, that sentiment or prejudice bound the allegiance of the people to its government. "It is most true," taught Thomas Carlyle, "that all available authority

is mystic in its conditions." The Divine Right of Kings has passed away for ever, and in its place all we can teach is the utilitarian theory of obedience. But if we pursue this theory to its logical conclusion it means that whenever calculation shows that there is a pecuniary gain in disobedience, then the law ought to be defied.

In the past we believed in freedom slowly broadening from precedent to precedent. We believed that there was continuity in our history. But if the habit of disobedience to law grows, how long will this continuity last? All over the world democracies are enacting laws. Is there a habit of obedience also being enacted? Some, indeed, seem to imagine that liberty is licence. On the contrary, liberty involves self-restraint. As one peruses *Modern Democracies*, one perceives, not only among ourselves, but also in the United States and in our daughter nations across the seas, the same impatience of restraint and the same impatience of discipline. A law has been broken. What does it matter? Here let us record the measured judgment of Sir Henry Maine: "If any government should be tempted to neglect, even for a moment, its function of compelling obedience to law—if a democracy, for example, were to allow a portion of the multitude of which it consists to set at defiance some law which it happens to dislike—it would be guilty of a crime which hardly any other virtue could redeem, and which century after century might fail to repair."<sup>1</sup>

Tocqueville taught us that it is never the downtrodden who make revolutions; on the contrary, it is rather those who have been downtrodden and are no longer so, who organise rebellion. To-day we are witnessing this phenomenon all over the civilised world. The poor, so far as we have been able to learn, are almost as patient of their conditions of life as their fathers were. On the other hand, the men in well-paid positions in the industrial world are passionately in revolt against the existing social order. The conflict to be dreaded is not the conflict between capital and labour, grave as that undoubtedly is; it is the conflict provoked by the writings of men who plead for what is

<sup>1</sup> *Popular Government*, p. 64.

in essence anarchy. There is a day coming on which we shall find ranged on one side law, liberty, and true democracy, and on the other side anarchy, licence and true oligarchy.

It is plain that Lord Bryce entertains fears akin to those here outlined, for he holds that: "Democracy has become, all over Europe and to some extent even in North America also, desired merely as a means, not as an end, precious in itself, because it was the embodiment of liberty. It is now valued, not for what it is, but for what it may be used to win for the masses. When the exercise of their rights has brought them that which they desire, and when they feel sure that what they have won will remain with them, may they not cease to care for the further use of those rights? . . . If the spiritual oxygen which has kept alive the attachment to liberty and self-government in the minds of the people becomes exhausted, will not the flame burn low and perhaps flicker out? The older school of Liberals dwelt on the educative worth of self-government which Mazzini represented in its idealistic, and Mill in its utilitarian aspects; but who would keep up the paraphernalia of public meetings and of elections and legislative debates merely for the sake of this bye-product? Much will depend on what the issue of the near future is likely to be. If that which the masses really desire should turn out to be the extinction of private property or some sort of communistic system, and if in some countries such a system should ever be established, the whole character of government would be changed, and that which is now called a democracy would (as indicated in a previous chapter) become a different thing altogether, perhaps an industrial bureaucratic oligarchy."

There was a day when some of us used to read our Mill and our Mazzini for the sake of the ideals of freedom that both thinkers dreamed. Now part of their dream is simply dismissed as a bye-product, and we are invited to contemplate a time when we shall be at the mercy of Sidney Webbism or Leninism. The danger is not so remote as many people may imagine. To realise the dreams of a large section of the artisans of Great Britain we must have a despotism akin to that now flourishing in Petrograd. Even

now we are being drilled and disciplined in a way our fathers would never have tolerated, and the outcome of this drill and discipline is an oligarchy of industrial bureaucrats. Put in blunt English, present tendencies mean that the mass of mankind will be content with the modern equivalent of panem et circenses; they will be satisfied with subsidised wages and cheap cinemas, and will take little interest in public affairs. For the moment Carlyle is out of favour, and the Carlyle that wrote after 1850 deserves to remain out of favour. But there were two Carlyles, and the man who wrote before 1850 belongs to a very different class from his successor. It is not a little curious to find that the earlier Carlyle and Lord Bryce attain a substantial measure of agreement in their outlook on the future. Carlyle unquestionably taught that democracy could not in the nature of things be permanent, that it was merely an expedient ensuring the transition from an old order which is dying to a new which is coming to birth. All present indications show that Carlyle was quite right in his forecast; and Lord Bryce does not substantially disagree, though he is reluctant to admit the painfulness of the labour pangs through which the world will have to pass.

It is quite obvious that the ideal of the new régime will be equality, not liberty. "L'essence de la démocratie," points out M. E. Schérer, "c'est l'égalité." In his *Democracy in America*, Tocqueville emphasises the fact that equality is the leading conception involved in the very principle of democracy. Of course there is no difficulty in demonstrating, as Treitschke does, that human beings are fundamentally unequal in capacity. Some of our middle and working class advocates of anarchy turn this very argument of Treitschke to their purpose of pressing home the truth that under their enlightened guidance they must tyrannise over the minority. There is, however, a real sense in which there is in a democratic society a general equality of rights and a similarity of conditions. Indeed, in 1867 Lord Bryce was at pains to lay stress on the view that democracy in its true sense is the product of Christianity, whose principle has always been the spiritual equality of all men before God. It is natural to expect that Mazzini should emphasise this



aspect. "If anything ever profoundly surprised me," he said, "it is that many persons have hitherto been blind to the eminently religious character of the (democratic) movement." Equality, then, is an ideal. There is a spiritual dignity attaching to each member of the human race. But liberty is also an ideal, and it is not at all certain that it is possible to combine these two ideals of equality and liberty. As Lord Acton pointed out, the underlying cause which rendered the French Revolution so inimical to liberty was its theory of equality.

Madame de Staël used to say that her countrymen were a vain race, and therefore they demanded equality, whereas the English, being a proud race, demanded liberty. Behind this obiter dictum there is matter for reflection. What is the ideal of the working man in the six countries surveyed by Lord Bryce? Is it liberty or equality? It is perfectly plain that the artisan can have either liberty or equality. What is no less certain is that he cannot have both at the same time. He can have liberty to develop his capacities to the utmost. He can work by the piece, he can become a foreman or a manager, as he does regularly in the United States. On the other hand, he can have equality. He can earn the same wages as the rest of the artisans, but he can earn no more and no less. It is manifestly impossible to combine liberty and equality in this sense. Unquestionably the chief desire of organised working men all over the world is the securing of equality. Liberty spells efficiency, but is equality likely to spell this magic word?

The special advantage of Lord Bryce's book is that it enables us to compare and to contrast conditions over a wide range of experience. Of course, it is difficult to compare French and Swiss experience with our own. It is less difficult to compare the experience of our overseas dominions with our own, and we learn much from the comparison. In all the lands under the Union Jack there are Labour parties, and the experience of Australia and New Zealand probably forecasts much of the future that lies before ourselves. On the other hand, in the United States, with its population of some one hundred and ten millions, there is not a single Labour member in the House

of Representatives. No less than thirty million people have left the shores of Europe for those of the United States. Even for the lands and the cities of the far West this constitutes an enormous addition to the number of labourers. Does this immigration account for the fact that in all but a few occupations the trade unions exercise comparatively little influence? This no doubt is a part reason, but another lies in the fact that in no country perhaps in the world does the capable working man realise so keenly the possibilities of the industrial world. He knows that he can certainly become a foreman, and that, provided he has ability, he can also rise to the rank of manager on a small scale. Nor is managerial work on a large scale in any wise outside the scope of his ambition. The millionaire capitalists of America have been for the most part men who once were members of low rank in the industrial scale. Some of these capitalists, it is rumoured, give an able working man promotion when he deserves it. But with this promotion comes the question: If there is a strike, where do you stand? If the artisan stands with the employer, there is an extra sum added to his wages. The outcome is that the working man with brains is tempted away from the trade union ranks in America, and this furnishes another reason for the notable lack of success of these unions in the United States. True, the longshoremen of the Great Lakes possess a trade union which has a vigorous life of its own, but is not this case exceptional?

The quality of a democracy largely depends on the quality of its leaders. In the past France could point to Gambetta, Jules Ferry and that fine character, Waldeck Rousseau; Switzerland to Welti, Ruchonnet and Numa Droz. We have had such men as Peel and Palmerston, Gladstone and Disraeli. Canada produced two striking men in Sir John Macdonald and Sir Wilfred Laurier, and the United States produced one of the great men of all time, Abraham Lincoln, not to mention such men as Calhoun, Clay and Webster. Australia possessed such strong personalities as Robert Lowe, who there contracted his fierce dislike to democracy, Sir Henry Parkes, Sir Graham Berry, William Bede Dalley, C. C. Kingston,

G. H. Reid, and Alfred Deakin. In New Zealand there is the noble figure of Sir George Grey and there is the figure of J. Seddon. As we survey a roll like this we are driven to ask the question: Have these statesmen successors of like rank? When we answer the question in the negative, as we are bound to do, we come to the conclusion that though our age has been an age of great events it has not been an age of great men. Lord Bryce regretfully admits that, in spite of the case of Abraham Lincoln, universal suffrage and the growth of the equality of opportunity have not enlisted men of the highest quality in the service of the State. This is specially true in the United States, where not only able men, but also decent men, stand aside from political life. Our cousins possess men of outstanding qualities in business, and these qualities they devote to the accumulation of wealth. In a land where there are no rank and no eminence to be achieved in politics the possession of the dollar seems to make a man almighty. There is some point in the gibe of J. S. Mill that America had produced nothing but dollars and dollar hunters. In his *Études d'Histoire Religieuse*, Renan inquired: "If it were necessary that Italy with her past, or America with her future, should be blotted out of existence, which would leave the greater void in the heart of humanity? What has America produced that can compare with a ray of that infinite glory that adorns an Italian town, even of the second or third order—Florence, Pisa, Siena, Perugia? Before New York and Boston reach in the scale of human greatness a rank that is comparable to these towns, how many steps have they still to make?"

It is sixty years since Renan penned his indictment; thirty years later J. R. Lowell stated that: "Democracy must show a capacity for producing, not an higher average man, but the highest possible types of manhood in all its manifold varieties, or it is a failure. No matter what it does for the body, if it does not in some sort satisfy that inextinguishable passion of the soul for something that lifts life away from prose, it is a failure. Unless it knows how to make itself gracious and winning, it is a failure. Has it done this? Is it doing this, or trying to do this?"

It is characteristic of the fairness of Lord Bryce that he

does not hesitate to reproduce this quotation, though he clearly thinks that this is asking more from democracy than any form of government can be expected to give. Still, the political godfathers of democracy, *e.g.* J. S. Mill, used to claim that it possessed a stimulating power such as belongs to no other form of government. Were they right in preferring this claim? Monarchy in the sixteenth century gave that passion of the soul Lowell longed for. Mary Queen of Scots gave it, and her rival, Queen Elizabeth, gave it. Monarchy in the seventeenth century gave it. At its beginning Henry of Navarre evoked that passion, and at its close Louis XIV evoked it. No one can read the history of the eighteenth century without seeing how splendidly our aristocracy also evoked it. Examples like these prove how lofty is the standard to which democracy has to attain. Yet it has attained that standard both in the past and in the present generation. In the great struggle between north and south during the sixties, when Abraham Lincoln dominated the United States, democracy showed its capacity for high endeavour; it showed similar capacity in the great war that engrossed all our energies from 1914 to 1918. The past attainment belonged to one nation; the recent attainment belonged to all nations who were fighting to defeat German ambitions. It was as manifest in Belgium as it was in Great Britain.

Among the good points Lord Bryce puts to the credit of democracy are: its maintenance of public order, its efficiency in civil administration, its legislative enactments for the welfare of the poorer classes, its patriotism or courage, and its freedom from the charge of inconstancy or ingratitude. As regards the last point, E. A. Freeman used to insist with all his wonted vehemence that the Swiss were loyal to a degree to their leaders. R. Michels dwells on the presence of the same quality in the ranks of the German Socialists. Nor does this quality belong only to the Old World. Canada displays it as strikingly as either Australia or New Zealand. The charge of ingratitude might be far more fairly preferred against monarchy than against democracy. Let anyone compare the treatment Francis Joseph accorded Benedek after the war of 1866 with that accorded, also after 1866, by

the men of the Confederacy to the general whom Lord Acton almost ranked with Napoleon, Robert E. Lee.

If democracy is not to be a failure men must have restraint and discipline. They require to note what they can and what they cannot do in order that their leaders may supply what they lack. It used to be an argument against the enfranchisement of women that the bloom might fade from the flower. Is it not a point to be borne in mind in considering the leadership of democracy? In the effort of the leader from the ranks to arrive, is there not a tendency in his case for the bloom to fade from the flower? He is tempted to offer higher wages or shorter hours of work, even when he thinks them disadvantageous. Must he not outbid his rivals? The people are on the look out for a man with initiative, with the power of grasping their wants, with the force of eloquence. Yet his initiative may prove to be simply that of getting ahead of his rivals, his power of grasping may be the quality of grab, and his force of eloquence may turn out to be the eloquence of force. The leader requires insight into the past and foresight into the future. Will the democratic leader possess this insight and this foresight?

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## Chapter XI.

### THE PROPHET IN POLITICS.

THE longer one lives, the more one is convinced that few inflict more harm upon mankind than the severely practical men. They are so pre-occupied with the details of the present that they overlook the needs of the future. It is not unfair to say that Bunyan's man with the muck-rake is entirely typical of most of them. "Where there is no vision the people perish," so spoke an inspired writer of old. If ever there was an illustration of the truth of this view it is the career of Joseph Mazzini (1805-72). He is one who, as years pass, seems to grow in stature, and in a sense to draw nearer us, and whose character and achievements we are better able to appreciate than his contemporaries were. They did not, and could not, know the full variety and the enduring value of his labours. Neither they nor we see the fruition of the many seeds he sowed. Ours is a day of strife and division. Whom more meet to honour than one who tried in all his life and in all his varied activity to be a reconciler, ever striving to bring men together in conduct and in belief, and to unite in a higher synthesis the most antagonistic theories?

A man of action himself, Mazzini concerns himself less with reformers such as Socrates and Luther than with men of action such as Alexander, Caesar and Napoleon. Men who wield wide-reaching power are inspired by an instinct of rule and order or by an instinct of sympathy. Each instinct is as a rule present in the genius in some degree, and if both are present they make a man the master and leader of men. Mazzini, the prophet of the Italian Movement for Unity, and Cavour, the statesman of the same movement, never cordially agreed, and among the causes of the disagreement one lies in the circumstance that Cavour was inspired by rule and order no less strongly than Mazzini was inspired by sympathy. Take two

anecdotes told of the two when they were about six years of age respectively. At that tender age Cavour was taken on a posting journey. On one stage of the journey the horses were unusually bad. The lad asked who was responsible. He was told it was the postmaster. He asked who appointed the postmaster. He was told it was the syndic. He demanded to be taken at once to the syndic to get the postmaster dismissed. Now we turn to the other boy. Mazzini as a child was very delicate. When he was about six years old he was taken for his first walk. For the first time he saw a beggar, a venerable old man. He stood transfixed, then broke from his mother, threw his arms around the beggar's neck and kissed him, crying: "Give him something, mother, give him something." "Love him well, lady," said the aged man, "he is one who will love the people."

As a child Mazzini loved the people, and possessed the gift of instinctive sympathy with them. "God and the People" was the watchword he selected for himself, and he ever lived in the spirit of that watchword. Because he loved God he loved the people, for with him his duty to his neighbour is constantly intertwined with his duty to his God. He himself mentions four influences that turned his boyish mind to democracy; his parents' uniform courtesy to every rank in life; the reminiscences of the French republican wars in the talk at home; some numbers of an old Girondist paper, which his father kept half hidden, for fear of the police, behind his medical books; and, above all, the classics that he read under his Latin tutor. His favourite books, he tells us, were the Bible and Dante, Shakespeare and Byron. From Dante he took the belief in Italy and Rome predestined to be teachers of the world, the faith in Italian unity, the moral strength that makes life one long fight for good, and the conception of the unity some of his views on cosmopolitanism, but he surely had borrowed most from the four Gospels he knew so intimately. The utilitarians who spurned the past met with his scorn, as if the past could be swept away and humanity could be created anew on some arbitrary plan. Mazzini craved to embrace humanity in his conceptions as he craved to embrace



religion. Without the unity of man "there may be movement, but it is not uniform or concentrated." Accordingly "the world thirsts for unity," "democracy tends to unity," and every great religion tends of necessity to become catholic.

Christianity has been sometimes reproached as other-worldly, but no such term applies to Mazzini's interpretation of it. "Unity of faith, love for one another, human brotherhood, activity in well-being, the doctrine of sacrifice, the doctrine of equality, the abolition of aristocracy, the perfecting of the individual, liberty—all are summed up in Christ's words: 'Thou shalt love the Lord thy God and thy neighbour as thyself,' and 'Whosoever will be chief among you, let him be your servant.'" With his lofty religious idealism, Mazzini turned to the past, and gave his interpretation of it. Christ's teaching, so we learn, had inspired each struggle for truth from the Crusades to Lepanto, had destroyed feudalism, was destroying now the aristocracy of blood; Poles and Greeks had marched to freedom's battles under the flag of Jesus. Nor was there any limit to this progress. Above all, did not Christ furnish the promise of indefinite religious progress? Did He not say, "The Spirit of truth shall abide with you for ever . . . and shall teach you all things"?

The belief in progress is for the moment out of fashion. It is, however, significant that on the very idea of progress Mazzini rested his faith, his deep and intense faith, in Christianity. He sees other religions—the faith of the heathen or the faith of the Jew—doing their part in the education of the human race. He sees the race advancing beyond the faiths that instructed it, so that at each great advance of human thought a religion falls dead and vanishes away. This must ever be a condition of human progress—except some religion appear which can move forward with the progress of the race. There comes a religion which does this, and it is Christianity. Men say that the Sermon on the Mount is a succession of impossible precepts. They are all summed up in a precept still more impossible: "Be ye perfect, even as your Father in heaven is perfect." So Christianity must ever keep ahead of man. If there be

any truth in our veriest instincts, God must ever be beyond us, beyond our power, our knowledge, our virtue. And it is to that "beyond" that Christianity points—it is thither Mazzini bids man march.

Progress, then!—onwards to the great Ideal, the ideal which "stands in God, outside and independent of ourselves." There is a divine plan in history, and men are to realise that plan. This divine design controls it all, and man has the privilege of helping God's plan. He who realises this, knows that "a supreme power guards the road, by which believers journey towards their goal." The cry of the Crusaders is literally true: "God wills it." In the spirit of Burke he pleaded with all the Italian passion of his fiery nature that young Italy should be as a religion. For "political parties fall and die; religious parties never die till they have conquered."

The preface to the *Duties of Man* proclaims the kinship of its author with Hus and Savonarola rather than with Mirabeau or Robespierre. "I love you too well," he wrote in it, "either to flatter your passions or caress the golden dreams by which others seek to gain your favour. My voice may sound too harsh, and I may too severely insist on proclaiming the necessity of virtue and sacrifice, but I know, and you will soon know also, that the sole origin of every right is in a duty fulfilled." Sacrifice, duty—these are the keywords of Mazzini's political as well as his religious faith. What he preached he practised. The seer of Italy, or rather the seer of mankind, did not think it unworthy of his high vocation when he was a dangerous outlaw in London from 1841 to 1848 to spend almost every evening in teaching in a night-school of Italian organ-boys, who "revered him as a god and loved him as a father," in Hatton Garden. The circumstance that he lived his life of duty and sacrifice gave him a compelling sovereignty among men.

Duty finds expression sometimes in sacrifice, and the law of sacrifice not seldom means martyrdom. "Life and death," he replied, when attacked for sending young Italians to their doom in insurrection, "are both sacred; two angels of God, ministering alike to a higher end, the victory of truth and justice." He had that infinite faith

in the goodness of mankind that none save the noblest exhibit. Appealing to selfish motives, he met unselfishness just as those who appeal to selfish motives meet selfishness. Take a case in our own history. Suppose that instead of offering higher wages to men after the outbreak of war, Lord Oxford and Mr. Lloyd George had appealed to the patriotism of Great Britain, does any one doubt that just as Mazzini met with patriotism among the Italians, so our Ministers would have met with patriotism? Mazzini declared with perfect truth that "the working men of Italy fought like heroes at Milan and Brescia, in Sicily and at Rome, not for a rise in wages, but for the honour of the Italian name, for the free life of their nation."

With a zeal worthy of Plato he constantly reminded men that the good life was the only one that the patriot ought to set before him. "You must labour all your life," so he wrote to a young Italian, "to make your own self a temple to the Ideal, to God." "To draw near to God, purifying our conscience as a temple, sacrificing self for love—this is our mission." Marriage might be the *égoïsme à deux*, but for him it was none the less the school of service for mankind. Frightful to their country are the fruits of "the selfishness taught by weak mothers and careless fathers, who let their children regard life not as a duty and mission, but as a search for pleasure and a study of their own well-being." True parents will teach their children to be patriots, loving their country, honouring its great men. For we all labour, little as we realise it, for the *Civitas Dei*, "the similitude of that divine society, where all are equal, and there is one love, one happiness for all."

The author of the *Life of Father Joseph*, the confidant of Richelieu, held that "ordinary history is like the face of a clock; we see the hands that move and mark the time, but not the wheels and secret springs whereby it goes." In Mazzini's reading of history he saw the wheels and the secret springs whose motive power was God. Turning to its pages he noted the two main periods: the period of law and of the unity of man. Vico he regarded as the great luminary of the Italian school of thought. Machiavelli impressed him as a great Italian patriot—for this Mazzini

could forgive him much—and he condoned his morality as a product of his time. Dante, however, proved his real inspiration, and there are few of Mazzini's doctrines not to be found somewhere within the covers of the *Convito* or the *De Monarchia*. All his various teachers succeeded in impressing upon him that no religion, no morality; is worth the writer's labours, unless it dedicates men to be workers in the public cause, to hold comfort, and, if need be, home and life itself as cheap, while oppression and wrong are stunting other lives, and men and women around are crying to be freed. The divine order of things as they are he never could accept, and one cause of his dislike of German philosophy in general and of Hegel in particular was the political fatalism he found in the latter.

On the anvil of life, Mazzini beat out all his problems, and inevitably his beating out process was unsystematic. It is not easy to say which of his writings accordingly are important. Among them, however, we may reasonably place *Faith and the Future* (1835), *The Duties of Man*, originally composed in 1844 and 1858, and revised finally in 1860; *I Sistemi e la Democrazia* (1849), and a series of papers written during the two closing years of his life, and published in the last three volumes of his collected *Works*.

Problems in political philosophy are to authors statical or dynamical. Naturally before the coming of Darwin most writers assumed that they belonged to the former category just as most of them now assume that they belong to the latter category. Mazzini is one of the few who before 1859 regarded political problems as of an essentially progressive character. Though Montesquieu and Burke were apostles of the historical method, yet they assume that the elements in a problem are unvarying. Mazzini, on the contrary, assumed that they were varying, changing with each period of man's development, moving with the progressive advance of his convictions concerning his destiny and his relation to God.

To Mazzini religion was "the eternal, essential, indwelling element in life," "the breath of humanity, its soul and life and consciousness and outward symbol," holding forth the duties, not the rights, of man. "If ever you have," he once

said, "a strange moment of religious feeling, of supreme resignation, of quiet love of humanity, of a calm insight of duty, kneel down thankful, and treasure within yourself the feeling suddenly arisen. It is the feeling of life." We learn the lesson that St. Augustine had taught that "our hearts are restless until they find rest in Thee." We cannot do without religion, for it comes to teach us "the general principles that rule humanity, to sanction the link that makes men brothers in the consciousness of that one origin, one mission, one common aim." Mazzini, like Burke, held that private affections lead to public. When Burke called Rousseau "a lover of his kind; a hater of his kindred," he meant what Mazzini meant. For the man who hates his kindred is not likely to love his kind. In the natural history of the wider human ties, as the Irish and the Italian thinkers understood it, growth does not begin at the circumference but at the centre of the circle, the family. From kin to kind forms the true order of development. Men must learn experimentally what ties are, so Mazzini holds, and what duties are in the home and the friendly circles, if they are to develop sympathies worth giving to the neighbourhood and the nation. "No cold relation is a zealous citizen"—so run the words of Burke. "To be attached to the subdivision, to love the little platoon we belong to," is the first step Burke desires to take; it is by no means his last. With Burke and Mazzini, however, first things come first.

Without religion in the individual, without duty in the home, there can be no true community. Materialism, bare ethics and philosophy have all been tried, and all alike have resulted in failure. Materialism has been tried, and has failed; failed because it was "an individualist, cold, calculating doctrine, that slowly, infallibly extinguished every spark of high thinking or free life, that first plunged men into the worship of success, then made them slaves of triumphant violence and the accomplished fact." Such was Mazzini's judgment. Bare ethics has been tried, "but no morality can endure or bring forth life, without a heaven and a dogma to support it." "No, man needs more than simple ethics; he craves to solve his doubts, to slake his thirsting

for a future; he wants to know whence he comes and whither he goes." Philosophy has failed, for it can "analyse and anatomise and dissect," but it has no breath of life to "decree duty or push men to deeds by giving ethics a new strength and grandeur." Christianity alone provides the true solution. "Any strong faith, that rises on the wreck of the old, exhausted creeds, will transform the existing social order, since every strong belief must needs apply itself to every branch of human activity; because always, in every age, earth has sought conformity with the heaven in which it believed; because all Humanity repeats under different formulas and in different degrees the words of the Lord's Prayer of Christendom: Thy kingdom come on earth as it is in heaven."

In Lamennais's *Words of a Believer*, the author of the *Duties of Man* recognised a kindred soul. He perceived how much the teaching of the French writer had in common with his own in its reaction against the sceptical, destructive school of the French Revolution, in its belief in tradition and humanity, in its appeal to duty as the principle of life, in the teacher who "preached God, the people, love, and liberty." To Mazzini the unity of the race flowed as a consequence of the unity of God. "And the unity of God, divined though it was by some rare thinkers of antiquity and loudly proclaimed by Moses—with the fatal restriction, however, that one people only was the elect of God—was not fully recognised till the decline of the Roman Empire. This was due to Christianity. In the forefront of his faith Christ placed these two inseparable truths—there is but one God, and all men are His sons. And the promulgation of these two truths changed the face of the world and enlarged the sphere of the moral law to the farthest limits of the earth. To man's duties towards his family and his country were added his duties towards humanity."

From Vico and from Herder the Italian had borrowed individuality, and the period ruled by the conception of corporate activity and of duty. The former begins, curiously enough, with the earliest attempt made by man to organise his political life in accordance with a fixed principle, the republics of ancient Greece and then that of

Rome. It closes with the French Revolution, the enormous dividing line. We have a philosophy of history which is all Mazzini's own. He discerns individual liberty emerging out of the City-State. From liberty Christianity extracted the equality of all in the sight of God. The Reformation restored to the heart the freedom long denied it, reaffirming the principle of liberty of the early Church. The French Revolution deepened and strengthened the principles of liberty and equality, adding that of fraternity. This fraternity is in essence the brotherhood of man. The declaration of fraternity was "a consequence of the Christian formula, 'All men are sons of God.' And it (*i.e.* the Revolution) maintained—here lies the great service it did Europe—that it was man's duty to reduce these assertions to fact in this life."

Mazzini contends that the idea of Right, that is, of the individual asserting himself, constituted the life, the soul, and the strength which guided the Revolution of 1789. Duty meant nothing more than fighting for the Rights of each. That is, in the eyes of Mazzini, it committed the crime of enslaving duty to Right. To the ardent patriot to whom duty and sacrifice meant everything, Right meant nothing.

The leading idea in the second period since the Revolution is the constant endeavour to realise "association," co-operation. No doubt individuality has given birth to the two great ideas of right and wrong, and the sense of these two marks the sway of conscience, which means duty. Right and wrong indicate the limits beyond which a man may not justly go in his dealings with others. A man who was engineering a revolution in Italy inevitably pondered over the outcome of the French Revolution. The more he pondered the more it seemed to him that the men of 1789 laid too much stress on the temporal and too little on the eternal. They had appealed to men's selfish interests, their rights, their desire for happiness. It had been a rebellion against evil rather than a mission in search of good. The lower aim had been gained: the higher had been lost. A new principle was wanted, and Mazzini found it in his creed. "We fell as a political party; we must rise again as

a religious party." The Declaration of Rights was supposed to be for all time and for all conditions of men. As a matter of fact this Declaration, like the corresponding American one, was simply meant to serve the interests of a single section—perhaps not even a majority—of Frenchmen. Nor is the acuteness of Mazzini at fault in pointing out that a struggle begun in the name of rights commonly ends in a war of classes. It was so in France, and it was so in America. In *Faith and the Future* he shows that "nothing can hinder men from fighting against Right. Every individual, who feels himself injured by the assertion of it, is entitled to rebel against it. And between the combatants only, force, in the last resort, can judge." Is this an untrue picture of the industrial world of 1929?

The individual, through conscience, and the community, through the general consent of humanity, make contributions to the welfare of all. Neither of them, according to the *Duties of Man*, "when taken singly, is sufficient to give men knowledge of the law of God and of truth. Yet the conscience of the individual is sacred; the common consent of humanity is sacred. And whoever neglects to consult both one and the other deprives himself of a means essential to the knowledge of the truth. The general error hitherto has been that men have desired to attain that knowledge by *one or other* of these channels exclusively. And the consequence of this error has been fatal. It is impossible to set up the individual conscience as the sole test of truth without falling into anarchy. It is impossible to say that at a given moment the general consent of mankind is beyond appeal without stifling man's freedom and plunging into tyranny. . . . Both these things are sacred; God speaks in them both. And wherever the two are in agreement, wherever the cry of your own conscience is confirmed by the consent of humanity, there you may be sure of holding the truth within your grasp. The one is the verification of the other."

The gospel of getting never appealed to Mazzini; the gospel of giving ever appealed. The French Revolutionists and the Utilitarians alike committed the mistake of emphasising the gospel of getting. They thought of the individual with selfish interests; they did not think of him



with corporate ones. Happiness, to the eternal credit of human nature, will never satisfy mankind; duty will satisfy mankind. "Any theory of happiness," Mazzini passionately protests, "will make men fall, soon or late, into the suicide of the noblest elements of human nature, will make them go, like Faust, to seek life's elixir in the witch's kitchen." Men may mistake the means for the end, and they may care for the body more than they care for the soul. Yet to paraphrase Abraham Lincoln's remark, you may fool some men into caring for the body some of the time, and you may fool some of them into caring for it all of the time, but you cannot fool all of them all the time into so believing. The spiritual side of man insists on making its presence felt, and all this side of man stands outside the mind of a Saint-Just or a Bentham. "Martyrdom! Your theory had no inheritance in it. Jesus escapes your logic; Socrates, if you are consistent, must seem to you, as Plato did to Bentham, a sublime fool."

The theory of Rights utterly fails; the theory of Duty utterly succeeds. Is there any moral principle behind the conception of Rights? None, is Mazzini's answer. Teach a man a creed of individual happiness and you make him an egotist. The fashion of Christ was different. "When he came and changed the face of the world, he did not speak of rights to the rich, who had no need to win them, nor to the poor, who would perhaps have imitated the rich and abused them. He did not speak of utility or self-interest to a race corrupted by self-interest and utility. He spoke of Duty; he spoke of Love and Sacrifice and Faith; he said that he only should be first, who had helped all men by his works. And when these words were whispered in the ear of a dead society, they gave it life, they won millions, they won the world, and advanced the education of mankind onward."

The Rights of man, French or American, disappear, and in their place the duties appear with the utmost plainness. "Man has one right only, to be free from obstacles that prevent the unimpeded fulfilment of his duties," a position that T. H. Green was to take up. One principle, and one principle alone, elevated the moral over the material,

humanity over the individual, the eternal above the temporal, and that principle was duty. "We must find an educative principle, to guide men to better things, to teach them constancy in sacrifice, to bind them to their brothers without making them dependent on any one man's theory or on the brute force of the community. This principle is Duty. We must convince men that they, the sons of God, have here on earth to carry out one law—that each of us must live not to himself, but others—that the end of life is not to have more or less of happiness, but to make ourselves and others better—that to fight injustice and error, everywhere, for our brothers' good, is not a right only but a duty—duty we may not without sin neglect, duty that lasts as long as life." Naturally "the supreme virtue is sacrifice—to think, work, fight, suffer, where our lot lies, not for ourselves, but others, for the victory of good over evil."

The original principle is Duty, not Right. With Mazzini it is not enough to say that Right is correlative to duties. It is in fact "dependent on the fulfilment of duties." We come to the heart of his position when we say that unless the individual have acknowledged the authority of the State and be willing to pay his obligations, he can lay no claim whatsoever to corresponding rights. The Duty that is to replace Right is reciprocal, no less binding on the State than on the individual. If the government does not discharge its duties, the citizen need not discharge his. In this case there is no question of duty. As the idea of Right is based fundamentally on the idea of Duty, and as Duty is reciprocal, we have in this analysis an aspect of Right to which little attention had been paid. To Spinoza, as to Machiavelli, might was right. Locke implicitly felt that right was inseparable from justice. Mazzini draws out the explicit and the implicit consequences of the identification of right and justice with incomparable force, showing that the relation of the government to the governed is one of mutual duties. The basis, the only basis, of rights for the individual is what is right, what is essentially just, for the community and for mankind. By anticipation the State of Treitschke's dreams meets with the most deep-seated opposition, for with Mazzini there is no absolute right.

The absolute State deals out but scanty justice to the claims of the individual. Yet, as Mazzini shows in his *Duties of Man*, "there are things which constitute your individuality, and which are essential to man's life. Over these the nation has no control. No majority, no collective force, has the power to rob you of that which makes you men. No majority has the power to decree tyranny and crush or alienate private liberty. Against this suicidal act of a nation which should do this, you have not the power to use force. But there lives and will live for ever, in each one of you, the right to protest by whatever means circumstances may suggest." The individual, however, must check his conscience by the consensus of humanity.

Hegel and Mazzini alike recognise the amount given by the individual to the common stock and the amount given by the community, and this is by no means the least element in their greatness. Both believe that the work of criticism and the work of construction must proceed hand in hand. They think that the community furnishes the matter of the most important duty of man, his duty towards his neighbour, and they believe that it is the conscience of the community which pronounces a man's relations with his neighbour's duties, and which, in the name of public opinion, enforces them. They regard freedom as individuality apprehended as something positive in the divine being. Yet they reject the independence of the individual, for they insist that the life of the individual is inseparable from that of the community. Of course Mazzini lays far more stress than Hegel on the worth of duty. Fundamentally the two are agreed, and this agreement comes out in many ways. Take an instance. Both believe in progress, and they also believe in a law of continuous and rational progress. Naturally they both maintain that law is a spontaneous growth, the outcome of the life of the community. They both hold the classical conception that the community is something much more than the aggregate of its individual members, and that its life is something more than the sum of their several energies. Both are convinced that the corporate life of man is an organic process, and that the essence of this corporate life lies in progress. The corporate life is never in being; it

is always becoming. Yet it seems to us that the prophet is even greater than the philosopher, for Mazzini's soul is on fire to reform the world.

Try as men will, even long before the days of Machiavelli, they cannot divorce politics from morals. Kant and the early Fichte had pursued the policy advocated by Machiavelli. Hegel set himself to oppose this divorce, and Mazzini powerfully contributed to increase this opposition. With him "the end of politics is to apply the moral law to the civil organisation of a country." The State, like the Greek State, must foster the moral life of the citizens by securing liberty as the necessary condition of morality. The State is not to be a paternal one. The moral growth of the community evolves a higher order far more efficaciously than any compulsion applied by the State. Liberty means partnership. "Association multiplies your strength a hundred fold; it makes the ideas and progress of other men your own; it raises, betters, hallows your nature with the affections of the human family and its growing sense of unity." His ideal is "everything in liberty through association."

The question of tyrannicide never wholly dies. Mazzini held it to be justifiable when it was the only means of checking an intolerable oppression. There are rare moments when it was right—"exceptional moments in the life and history of nations, not to be judged by normal rules of human justice, and in which the actors can take their inspiration only from their conscience and God." If men glorified Judith and Brutus and Charlotte Corday, it was hypocrisy, he said, to condemn for the same actions the men who tried to kill Louis Napoleon or Ferdinand of Naples. In every other instance he "abominated" political assassination, holding it to be "a crime, if attempted with the idea of revenge or punishment; a crime when there are other roads to freedom open; culpable and mistaken, when directed against a man, whose tyranny does not descend into the grave with him." In spite of the Carbonaro tradition of assassinating traitors, when Mazzini founded "Young Italy" he abandoned this terrible tradition. Cavour charged him with plotting to kill Victor Emmanuel. He

indignantly replied that the King's life was "protected, first by the existence of a constitution, next by the uselessness of the crime." Mazzini's practice was in accordance with his precept. When triumvir at Rome, he vigorously protested against assassinations and repressed them there and at Ancona. He knew nothing whatever about Orsini's attempt to assassinate Louis Napoleon. Nor was he privy to Tibaldi's and Greco's plots against the French Emperor. He persistently discouraged plots to assassinate the Pope and Victor Emmanuel. He stopped a plot to explode six bombs at a ball given at Venice by the Austrian Viceroy just as he stopped in 1864 a plot to blow up the Austrian Viceroy of Venetia. It is a blot on his fame that in early life he gave a young Corsican, Antonio Gallenga, the means of travelling to Turin and sent him a dagger. In revenge for the Genoese executions, Gallenga plotted the assassination of Charles Albert. At first Mazzini tried to dissuade Gallenga, but he succeeded in persuading himself that the Corsican was an appointed agent of Providence "to teach despots that their life may depend upon the will of a single man."

In 1856 Manin wrote an open letter, attacking the theory of the dagger as "the great enemy of Italy." It is with infinite regret we note the fact that Mazzini alleged that it was cant to call it no murder if a soldier shot an enemy with his rifle, and murder if an artisan conspirator stabbed an Austrian soldier with the only weapon he possessed. He extended the dagger theory to cases of "irregular warfare," like those of Rossi or Marinovich, where men had been killed treacherously in revolutionary times for political or private vengeance. In all these instances "political" vengeance too often means simply "private" vengeance. It is shocking to find that Mazzini commissioned Orsini to find men to surprise and kill the Austrian officers at Milan as the first step in an insurrection. Such offences against morality cannot be condoned, and they are all the more serious in a man like Mazzini, who insisted so strenuously on the sacredness of all human life.

Mazzini witnessed the trend towards democracy that characterised his day, but he witnessed it not altogether

with satisfaction. He felt afraid that the French Revolution had given democracy a wrong bias in favour of rights against duties. This meant in effect that democracy forgot God. If they forgot God, the way to materialist socialism stood open, and men who trod that road forgot spiritual ends.

One way to overcome materialism was nationality, the creed Mazzini vigorously championed. "Italy," he said, "has been called a graveyard; but a graveyard peopled by our mighty dead is nearer life than a land that teems with living weaklings and braggarts." The land of Dante and Vico, the land of the Renaissance—it must renew its life. With a wisdom far in advance of Bismarck and the German school of historians, he refused to base his conception of nationality on race and geographical features. "There is not," he declared, "a single spot in Europe where an unmixed race can be detected." Language and literature, customs and traditions are all elements in nationality. He recognised that what Mickiewicz had accomplished for Polish nationality Dante had accomplished for Italian. Mazzini could not doubt the value of Italian nationality. He knew how a common history had helped to weld the Italian republics together. All these elements in nationality are secondary, in his opinion, and race is the least of them all. Nationality is essentially a moral phenomenon, based on the popular will. "Nationalities can be founded only for and upon and by the people."

If it is to his discredit that he justified the foul doctrine that the end justifies the means in the case of political assassination, it is to his credit that at all times and in all places he insisted that nationality is fundamentally a political phenomenon which can only justify itself when it has a moral aim. "In questions of nationality, as in every other question, the end alone is sovereign." The reaction against misgovernment does not necessarily provide a claim to independence which, indeed, can only be put forward by a nation seeking to realise the will of God upon earth. The passion of Plato for the State consumed the soul of Mazzini. "O my brothers," he exclaimed, "love your country. Country is our house, the house that God has given us, setting therein a populous family, to love us and

be loved by us, to understand and be understood by us better and more readily than others are." The only true citizen was the good citizen. "Where the citizen does not know that he must give lustre to his country, not borrow lustre from it, that country may be strong, but never happy." The man who lived in obedience to the behest of duty is plain in the statement that "the honour of a country depends more on removing its faults than on boasting of its qualities." Honour, disinterestedness—these are paramount. "You must keep your country pure of selfishness," so he adjured the Italian working men.

When a Swiss was asked if he loved his country more than his canton, he replied, "My shirt is nearer to me than my waistcoat," an answer that would have filled Mazzini with horror. For if ever a cosmopolitan lived, it was he. He was the apostle of nationality simply because he was the apostle of humanity. Men are selfish, and the way to rouse them out of their selfishness is to make them patriotic, but patriotism is not enough, as Nurse Cavell felt, to lead men onwards to humanity, its goal. Alas! with not a few of us nationality is largely an exclusive principle; it means that we stand for ourselves alone. With Mazzini, on the contrary, it is emphatically an inclusive principle. Nationality is the appointed means by which we lift ourselves to a sense of brotherhood with mankind. Association, co-operation, the corporate life—these are essential if man is to get out of his nature all that lies undeveloped in it. In a word, the nation is not a bulwark excluding humanity; it is humanity on a small scale. In his *Duties of Man* he urges that "humanity is a great army, moving, in the face of powerful and wary foes, to the conquest of lands unknown. The peoples are the various corps, the divisions of the army. Each has a position entrusted to it, each a particular operation to execute; and the common victory depends on the precision with which the different operations are carried out. Do not disturb the order of the battle. Do not forsake the banner given you by God."

Mazzini teaches that each nation has a distinct and a distinctive contribution to make to the common stock. Nationality brings its own ethos. The order is first the

individual, then the nation, and last of all humanity. There is a balance with Mazzini that we do not find in Rousseau, or Hegel, or Comte. The disciples of Rousseau exalted the individual at the expense of the nation. Hegel exalted the nation at the expense of the individual. Comte exalted humanity at the expense of both the individual and the nation. The tendency of the teaching of Burke no doubt anticipated Mazzini, for the Irish thinker certainly checked national hubris. It is not the least of Mazzini's services to political philosophy that he found a middle term between the individual and humanity. Mazzini is, indeed, one of the few nationalists who realises every whit as keenly the demerits as well as the merits of his creed. If the nation possesses claims, so does humanity. Nationality is not final; only humanity is final. He pleads powerfully: "You have before you great and powerful nations. . . . To what end will they use their power? Will they establish their nationality on the fraternity of the peoples, on the apostolate of Truth, Beauty and Justice? Or, burying themselves in the wretched squabbles of a grasping nationality, and declaring themselves neutral between the two principles which contend for humanity, will they attempt to monopolise liberty while they long or work for the weakness of others? Will they understand national life and international should be but two manifestations of one sole principle, the love of the good? Will they choose for their motto that of reactionary France, *Each for himself*, or that of the France of the People, *The betterment of all through the work of all, the progress of each for the common advantage*."

The nations are the municipal corporations Burke called them: humanity is the universal corporation. Nor is Mazzini slow to detect in the humanitarian movements currents flowing to swell the great river of humanity. The abolition of the slave trade, the cause of Greece and Italy—these were European movements, not merely national. "There exists, then, in Europe a harmony of needs and wishes, a common thought, a universal mind, which directs the nations by convergent paths to the same goal."

A country may not, dare not, stand alone. That way lies national hubris with all its concomitant evils. "I hate,"



he declared, "the monopolist, usurping nation, that sees its own strength and greatness only in the weakness and poverty of others." There can be no real growth for the country whose foreign policy is "one of aggrandisement and selfishness, whether it seeks them basely or buys glory at other men's expense." That way lies destruction. For "a nation's growth depends on the trust that other peoples place in it." He condemns the isolation of England under the sway of Canning as heartily as he condemned the Monroe doctrine. When the life of humanity is at stake, men must not be too proud to fight. "Neutrality in a war of principles is mere passive existence, forgetfulness of all that makes a people sacred, the negation of the common law of nations, political atheism." Out of the nationalities would grow "the United States of Europe, the republican alliance of the peoples," "that great European federation, whose task it is to unite in one association all the political families of the old world, destroy the partitions that dynastic rivalries have made, and consolidate and respect nationalities." Out of the nationalities we, in turn, hope to witness the United States of the world, whose outward form we discern at present in the League of Nations.

"Nationality is sacred to me," Mazzini declared with conviction, "because I see in it the instrument of labour for the good and progress of all men." If he lifted his eyes to the skies, he could also see what was happening on mother earth. The lad who at six relieved the old beggar never forgot as a man his early sympathy with the toiling masses. "I see the people pass before my eyes in the livery of wretchedness and political subjection, ragged and hungry, painfully gathering the crumbs that wealth tosses insultingly to it, or lost and wandering in riot and the intoxication of a brutish, angry, savage joy; and I remember that those brutalised faces bear the finger-print of God, the mark of the same mission as our own. I lift myself to the vision of the future and behold the people rising in its majesty, brothers in one faith, one bond of equality and love, one ideal of citizen virtue that ever grows in beauty and might; the people of the future, unspoilt by luxury, ungoaded by wretchedness, awed by the consciousness of its rights and

duties. And in the presence of that vision my heart beats with anguish for the present and glorying for the future." Vox populi is veritably vox Dei—if the people fall not into the bondage of low, material impulses.

With St. James the Italian patriot cordially agreed on the importance of works. We learn that "God thinks in working, and we must, at a distance, copy him." The great men of the earth, he points out, wrought as well as thought—missionaries, politicians, martyrs, as well as poets and philosophers; such men as Aeschylus and Dante, Pythagoras and Savonarola and Michael Angelo—most of them, he loved to think, Italians. "He who sunders faith from works, thought from action, the moral man from the practical or political man, is not in truth religious. He breaks the chain that binds earth and heaven."

Co-operation in the industrial world naturally follows on the association he advocated in the political one. With Charles Kingsley and the Christian Socialists he believed in the gradual supersession of capitalism by voluntary co-operative societies of workmen. The teaching of Karl Marx (1818–83) his soul abhorred.

The *Das Kapital* of Marx provides the gospel of scientific Socialism. As labour is the sole source of value, the profits of the employer are really the creation of the labourer. Hence he denies the claims of the employer to profits, of the landlord to rent, and of the capitalist to interest. According to his view the labouring classes in all ages have been plundered by property. This tyranny at one time took the form of slavery, at another of serfdom, at another of the corvées and the burdens of feudalism, and at another of the wages system. Take the last. According to Marx the wide difference between the wages received by labour and the wealth produced by labour forms a "surplus value" of which the working class has been robbed. In that year of revolutions, 1848, he put forth a programme which demands attention. Marx and his fellow-signatories of it demanded "the proclamation of a republic; payment of Members of Parliament; the conversion of princely and other feudal estates with mines, etc., into public property; the appropriation by the State of all means of transport,

as railways, canals, steamships, roads and ports; the restriction of the laws of succession; the introduction of heavy progressive taxes, and the abolition of excise duties; the establishment of national workshops; State guarantee to all workmen of an existence, provision for the incapable, universal and free education." They also desired the immediate expropriation of landed property, and the employment of the rents for State purposes; the centralisation of all credit, by the formation with State capital of a national bank having a complete monopoly; the institution at public expense of great industrial armies working in common. They denounced the existing system of marriage and the family as resting on capital or private gain. They declared that their objects could only be attained by force and by a radical revolution, and they called on the "proletariat" of all countries to unite and to support any party or movement that could shake the existing fabric of society.

Marx admitted at the Hague in 1872 that in some countries his ideas might triumph peacefully, but he never concealed his opinion that "in most Continental countries force must be the lever of our revolution." According to Bebel, one of the outstanding disciples of the German economist, "we aim, in the domain of politics, at Republicanism; in the domain of economics, at Socialism; and in the domain of what is to-day called religion, at atheism." He points out that "there are two ways of attaining our economic ends. The one is the general supplanting of the private undertakers by means of legislation when the democratic State has been established. . . . The other, and decidedly shorter, though also the violent way, would be forcible expropriation—the abolition of private undertakers at one stroke, irrespective of the means to be employed. . . . There is no need to be horrified at this possible use of force, or to cry 'Murder' at the suppression of rightful existences, at forcible expropriation, and so forth. History teaches that, as a rule, new ideas only assert themselves through a violent struggle between their representatives and the representatives of the past."

No teaching could be more fundamentally opposed to the teaching of Marx and Bebel than that of Mazzini. He

had contended in theory that a struggle for rights meant a war of classes, and here was Marx to dot his i's and stroke his t's. Sternly as the Italian prophet rebuked the folly of the richer classes, he set his face as a flint against all social revolutions which worked hardship to the individual. The survival of the fittest meant to him the evolutionary beatitude which his soul would have loathed, Blessed are the strong, for they shall prey on the weak. His theory of duty harmonised the motives that Marx set at deadly enmity.

The individual, the nation, and humanity are the links in the chain Mazzini forged. "Humanity," according to Pascal, "is a man who is ever learning. Individuals die; but the truth they thought, the good they wrought, is not lost with them; Humanity garners it, and the men who walk over their graves have their profit from it. Each of us is born to-day in an atmosphere of ideas and beliefs, that are the work of all Humanity before us; each of us brings unconsciously some element, more or less valuable, for the life of Humanity that comes after. The education of Humanity grows like those Eastern pyramids, to which each passer-by adds his stone. We pass, the travellers of a day, called away to complete our individual education elsewhere; the education of Humanity shines by flashes in each one of us, but unveils its full radiance slowly, progressively, continuously in Humanity. From one task to another, from one faith to another, step by step Humanity conquers a clearer vision of its life, its mission, of God and of his law." Who is the better friend of mankind, Mazzini, who raised a moral ideal, or Marx, who raised a material ideal? For when men come to realise the nobility of the State of which Mazzini dreamed, they will have to make their choice between his *Civitas Dei* and *Das Kapital*.

If there is a prophet in politics in Italy, there is also one in England. Thomas Hill Green (1836-82) stamped as forcible an impress of his strong individuality on men as Mazzini himself. As powerful in argument as Mazzini was passionate, neither man argued for victory. Both cared for the truth with all the intensity of their natures. The simplicity of both men, their earnest devotion to an ideal, their sense of duty, their uprightness of mind, and their

simplicity of character inevitably gained adherents for their respective political creeds. As Mazzini's ideals developed out of the past of his native country, so Green's developed out of the past of his. Vane and Cromwell meant as much to him as John Bright. In the last resort Mazzini and Green fell back on the visions that Plato set before men. The claims of the good life is insistent with both. "The value of the institutions of civil life," remarks Green in his *Principles of Political Obligation*, "lies in their operation as giving reality to the capacities of will and reason and enabling them to be really exercised. . . . So far as they do in fact operate they are morally justified." The fundamental likeness between the two men lies in the fact that both claim that the theory of rights rests on the doctrine of political duty. Rousseau may talk as he pleases of "natural rights" just as Paine may talk of "the rights of man." Green simply remarks about these men that they were so taken up with innate rights that they somehow seemed to have forgotten innate duties. Of the two conceptions of right and duty, Green is wholeheartedly convinced that duty is the more fundamental of the two. "True rights," so runs Green's definition, "are powers which it is for the general well-being that the individual (or association) should possess, and that well-being is essentially a moral well-being."

Like Mazzini, Green joined the worth and the dignity of the individual man to the institutions he worked. Mystic feeling is present with both. "The enthusiasm of Vane," Green writes in his lectures on the English Commonwealth, "died that it might rise again. It was sown in weakness that it might be raised in the intellectual comprehension which is power. 'The people of England,' he said on the scaffold, 'have been long asleep. I doubt they will be hungry when they awake.' They have slept, we may say, another two hundred years. If they should yet awake and be hungry, they will find their food in the ideas which, with much blindness and weakness, he vainly offered them, cleared and ripened by a philosophy of which he did not dream." This philosophy of course is Hegel's, which influenced Green as consciously as it influenced Mazzini

unconsciously. "The professed object of Hegel's philosophy," according to Green, was to find "formulae adequate to the action of reason as exhibited in nature and human life, in art and religion." Hegel's object was Green's and Mazzini's. Green vitalises, humanises and moralises institutions. What life worth living is possible without institutions? Freedom has to be earned through their working. Carlyle and Mazzini used to say that freedom stood in need of new definitions. Green gives us one. Freedom is "a positive power or capacity of doing or enjoying something worth doing or enjoying, and that too something that we do or enjoy in common with others." The corporate life, realised in institutions, is as present to the English thinker as to the Italian one.

Mazzini and Green, unlike Marx and Bebel, proceed from kin to kind. "Everything," according to Green, "that makes life human, the institutions by which

relations dear  
And all the charities of husband, son,  
And brother first were known;

which create honour and dishonour, loyalty and disloyalty, justice and injustice; which make it possible to die for one's country or to be false to it, to sacrifice oneself to a cause or a cause to oneself, to defraud the fatherless and widow or befriend them—all these the animals know not. They are not primary but derived, not given by nature, but constituted by man." Nor is man their sole author. Making allowance for Hegelian phraseology, Mazzini could have said—if we bear in mind that with Green this "perhaps" introduces a settled conviction: "Perhaps on thinking the matter out, we should find ourselves compelled to regard the idea of social good as a communication to the human consciousness, a consciousness developing itself in time, from an eternally complete consciousness." With the quietism of Dante and of Mazzini, Green holds that there is room in the genius and the reformer for "a wise passiveness to the heavenly influences which are ever about him."

Both men feel, though in different ways, that there is purpose in history, and both accordingly view the past conservatively. Evolution, not revolution, was what both

desired. The "return to Nature" of Rousseau and the French Revolutionist was in the eyes of both a reversion to barbarism. Both believe in a progressive revelation to which no final limits can be set. "To anyone who understands a process of development," writes Green, "the result being developed is the reality." In this process Mazzini and he manifested a deep sympathy with the wrongs and the sufferings of the poor. Both hated slavery and both rejoiced in the war between north and south that brought slavery in the United States to an end. Both were anxious to raise the condition of the degraded population. How could the proletariat develop the self-respecting life of citizenship which ought to be his? Much as both sympathised with the masses, they justified private property and private capital. Green regards it as unfair to blame capital for the admitted evils for which socialism offers itself as a remedy. Equality of wealth is neither the ideal of Mazzini nor of Green. As the latter regards private property as an instrument for the realisation of human capacities, he holds it reasonable to find that the inevitable inequalities of capacity which diversify society should meet their counterpart in inequalities of riches.

Green used to advise his pupils at Oxford to read Burke; he might also have advised them to read Mazzini. For all three recognised in the State no mere secular product. "There is an order that keeps things fast in their place; it is made to us, and we are made to it," so runs the creed of Burke, the creed of Mazzini and Green. The dependence of the finite spirit on God is as fundamental with Green as it is with Burke and Mazzini. The citizen of the State, guided by what Burke calls the "Divine tactic," succeeds to no mean heritage. "In great books and great examples," according to the English idealist, "in the gathering fullness of spiritual utterance which we trace through the history of literature, in the self-denying love which we have known from the cradle, in the moralising influences of civil life, in the sacramental ordinances which represent that fellowship, in common worship, in the message of the preacher through which, amid diversity of stammering tongues, one spirit still speaks—here God's sunshine is shed abroad without us."

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## Chapter XII.

### RECENT POLITICAL THEORY.

EVERY generation of ideas has begun or ended with some movement concerning Nature—an impulse towards, a reaction against, her. From the days of Greek philosophy and before them, from the times of the Fathers and St. Augustine and the conflict between Free-will and Predestination, the pivot has been the same. Mediaevalism, with its chivalrous artifices and monastic ideals—with its effort to order and feudalise men's appetites—made against Nature. She took her revenge in the Renaissance, the heyday of humanists and artists, her preux chevaliers, who vindicated her rights. So did Luther and the first reformers. The pendulum, however, oscillated, and the Puritans worked havoc in men's consciousness with a sterner asceticism than the world had ever known. Then came the seventeenth century, the period of the grand style and of the pre-eminence of the Roi Soleil in Europe. Nature was drugged into sleep, was counterfeited by etiquette and *Le Notre*, by Lely and Kneller, in their false arcadias, with intricate side alleys for intrigue. Rousseau followed them—Nature's Peter the Hermit, who preached the Crusade without the Cross, proclaiming the return to Nature's bosom. The world took up his doctrine, and the French Revolution was the result; to be succeeded by natural movements everywhere—in the Lake School of English poetry—in the landscape painters of France and England—in the educational systems of Miss Edgeworth and Pestalozzi—no less in the abolition of slavery, in land reforms and in repeals of corn laws. Upon these came the Second Renaissance, the reign of Science; the investigation of Nature's laws, the arrogance of discovery, the protest of the Oxford Movement, of Pre-Raphaelite visions in the world of art and of Socialism in the world of industry. The cause represented by Socialism is the cause of the poor and needy. Men, according to Spinoza, are so constituted that they pity those in evil

case and envy those in good; adding that they are more prone to envy than to pity. The poor and the needy are an object of pity, which takes different forms. It may be contemptuous or impatient; it may be sympathetic and patient. Different influences, springing from many sources, bear upon society at different times, and determine the magnitude and the direction of particular currents of feeling. Concern for the poor has been subject to such influences from time to time, and has varied in strength and form accordingly. Christianity, being pre-eminently the religion of suffering, gave it an immense stimulus. The ethical element in Socialism is borrowed from Christianity. Nor has the Church ever given up the cause, though her practice has often been feeble and perverted. Some of her members, however, felt the truth of what King Oscar of Sweden said to Barrère, "A young man, my dear Minister, who has not been a Socialist before he is five and twenty shows that he has no heart. But if he continues to be one after five and twenty he shows that he has no head."

It has been the permanent misfortune of mankind that Watt invented the steam engine when he did. It came when the twenty-two years' struggle with Napoleon was in process, with the result that the Government could bestow neither time nor thought upon it. The inventors in industry changed the face of England more in the course of a generation than it had been changed in all the generations from the Norman Conquest to the accession of George III to the throne in 1760. The French Revolution had raised the question of liberty, emancipation from political oppression, and the Industrial Revolution was destined to raise the question of economic oppression. To the old ethical view of poverty as misfortune, claiming pity and help from society, were added the ideas of oppression and inequity, both claiming redress. The cause of the poor and needy not only received powerful reinforcement from the ideals of liberty and equity, which appeal to impulses not less deeply seated in human nature than pity, but under these influences it took a new direction. The aim was no longer the mitigation of an accepted evil, but its abolition by the removal of its social causes. Here we have the double

basis of Socialism, which is reflected in the two main tendencies it has ever since exhibited—political and economic. They are often divergent, and sometimes in direct antagonism; but this is due to the inability of men, and especially those of an ardent temperament, to see more than one thing or one side at a time. The two tendencies are really complementary, and both spring from live roots which ensure their persistent vitality, through all vicissitudes of season and weather.

Karl Marx (1818–83) came into this movement when it had been in full swing for a generation, and had passed through several phases, in which all the leading ideas had been worked out to the surface and found expression. He was no pioneer; there is not a single idea in his entire system which can be said to be wholly his own or truly original. What, then, is the explanation of his unique position in the movement, and the resounding authority of his name? In the first place he appeared as the reviver of a cause which had suffered a temporary eclipse, but was in itself indestructible—a cause immemorially old, yet perennially young. The ground lay fallow, not worked out, but rather fertilised by the previous labour spent upon it—though that seemed spent in vain—and ready to yield its increase to a skilful husbandman. In the second place the season was favourable as well as the ground. It was a time of general revolutionary ferment in Europe; the air was full of movement and men were expecting things to happen. This both stimulated Marx, who came to manhood with it and was caught in the spirit, and also gave him opportunity. At the same time it misled him. With the ardour of youth he expected immediate results and impossible ones, which have not yet occurred, and show no signs of occurring in the form he expected. But the miscalculation belongs to another part of the subject; it does not negative the fact that he entered the field under peculiar conditions, offering an exceptional opportunity for a man of capacity to make his mark. And he made it because he had the capacity. He was a skilful husbandman.

There were two men in Marx, curiously mingled; the philosopher or reflecting man, and the prophet or agitating

man. The one appealed to the intellect, the other to emotion; and his influence rests on this double basis.\* It is hard to say which of the two has contributed more to the reverence in which his name is held by the sect, which has canonised him in both capacities; but the combination is the secret of his fame. The one has impressed the few, who are given to study and theory; the other has attracted the many, who respond to a cry. It is worth while comparing him with Robert Owen, the only other Socialist whose name is equally famous. Two men could hardly be more different. Owen was a real pioneer, but he had little bent for theory or speculation, and never passed beyond the child-like determinism of the "New Moral Order." Nor had he any revolutionary leanings as Marx had. But all his life he laboured at practical schemes, planning and urging to the last, undismayed by repeated failures and always confident of immediate success for the latest project. Marx, whose domineering arrogance was worthy of his native land, treated that sort of thing, as he treated his predecessors and most of his contemporaries, with supreme contempt. He and Engels, who played the Boswell to his Johnson, claimed for themselves the only true light, and ridiculed the previous labours of French and English socialists as Utopian. Yet their own dream of the immediate violent overthrow of all existing social conditions by the united proletariat of all countries, with abolition of classes and disappearance of the State, was more thoroughly Utopian than any project of Owen or the Owenites, from whom, by the way, they condescended to borrow all the economic groundwork of their own superior system. This forecast was set out in the Communist Manifesto, issued in 1848.

The Communist Manifesto reveals Marx the leader of the populace and the bearer of a cause. There is plenty of argument in it, and, indeed, it contains all the essential points of his system, but the argument is used to work up to a climax, which is a call to action. In it Marx raised a standard. He was a Mahdi preaching a holy war, a Peter the Hermit preaching a crusade for the recovery of the holy city from the infidels who had impiously taken possession of it. Only the name of that holy city is Wealth, the infidels

are the capitalists, and the motives appealed to are somewhat different. To this day the Manifesto is more often quoted than any part of the laboured disquisitions of *Das Kapital*. It is a call to arms, and there is more life in it than in the chilly and incompatible doctrine of Natur-notwendigkeit, or inevitable law of development, which is the working principle of "scientific" Socialism of to-day. It has the weight of the cause behind it, the cause not only of the poor, but of the disinherited and oppressed, which is far greater, more real and vital than all the theories and schemes. He brought out strongly the weakness of capitalism *vis-à-vis* humanitarian demands. He brought out no less strongly the impossibility of individualism à l'outrance. As a prophet he is important because he gave the working class the sense of a great mission.

If Marx's reputation had depended solely on his theories it would have been very different both in kind and degree, and would not have lasted as it has; for they have not stood the test of time and criticism. But in combination they have had a peculiar effect, out of all proportion to their intrinsic merits. The oracular style and air of profundity in which they are enveloped have thrown a halo around Marx, once established as the leader of a cause, and invested him with an authority bordering on awe in the eyes of those who appreciate the cause and want a leader, but have no head for speculation. *Das Kapital* is little read and less understood. It would be interesting to set an examination paper on it to Socialists who profess familiarity with the text. Its very obscurity, however, has been a great asset. Those who do not like it can always fall back on the Manifesto, and others are positively impressed by it. Experience proves that obscurity and confusion are often taken for merits, and rather enhance than lessen a writer's reputation with readers who are not very well equipped for judging, and modestly ascribe unintelligibility to their own deficiency or find a sort of aesthetic satisfaction in it. Mesopotamia is not the only blessed word.

These qualities in Marx have had no small share in elevating him to a lofty eminence of aloofness. He has become a sort of Veiled Prophet, invested with a quasi-sacred

character; and his word has acquired the authority of a revealed religion. This is not only apparent to outside observers, but admitted by Marxians, who accuse each other of adopting priestly attitudes and apply the very word religion. It is true. Marxism is a religion, and bears the usual signs. It has a creed and a sacred text, which the faithful repeat. There are orthodox, unorthodox, and heterodox schools. There are Pharisees and Sadducees, and sub-divisions of them; the strictest sect of the Pharisees may be distinguished from others less strict. There are treatises on the articles of the faith, and there is a modernist criticism. This is not said in ridicule at all. The fact is interesting and perfectly natural. The Marxians have abjured other religions, especially Christianity. Mankind, however, is incurably religious, and when it parts with a creed in one form it speedily restores it in another. At one time the Marxians were openly and bitterly hostile to Christianity for several reasons. It crosses their purpose at several points. It accepts and even enjoins poverty and acquiescence in one's lot, whereas they want to abolish poverty and look to revolt as the means. It ordains duty and obedience, whereas they urge self-assertion. It looks to the moral law working in the individual to remove evils and elevate mankind, whereas they hold the existing system or social order wholly responsible and demand its abolition as the sole means of salvation.

The Marxians regard the Church as part of the existing order, and therefore doomed in their eyes. Wilhelm Liebknecht put it concisely at the German Socialist Congress at Halle in 1890: "The Church, whether Catholic or Protestant, is to-day nothing but a prop, an instrument of the class-State." He was, however, against any open attack, not out of any regard for religion, but because such action raised opposition in quarters where they could make converts. In short, it was inexpedient, and in spite of many attempts to induce the party to assume a more hostile attitude it has abided by the decision adopted in 1875 to treat religion as a private matter. The German lead has been followed by Marxians generally with the outstanding exception of Russia. Religion is officially

treated with a somewhat ostentatious indifference. Nevertheless, they need a faith of some kind themselves. In spite of the lofty superiority to the weaknesses of less enlightened minds which they affect, they are built of the same stuff as other devotees. They are not cynical worldlings or cold-blooded speculators, but enthusiasts. It is to their credit. They pursue an ideal, in the end a lofty ideal, though they seek it by exploiting the most sordid motives, not in themselves, but in others, and they must have some guide to cling to, some authority to look up to, some faith to hold—in short, a religion. Liebknecht made that very claim on the occasion just mentioned. He was arguing against a resolution declaring active opposition to all churches and religious dogmas, and pledging members to profess irreligion. He pointed out that this would be an infringement of personal liberty, and further reminded them that they had a religion of their own. "Have we not that which forms the strength of religion, faith in the highest ideals?" The parallelism was even closer than he knew. The same temperamental elements have produced similar effects. The apparatus of religion they needed was found in Marx, who took the place of the law and the prophets.

Now there must be something in a body of doctrine which obtains and keeps such a hold upon highly educated and intelligent men, as most Socialist leaders, and particularly Marxians, undoubtedly are. It is one of the curious facts about Socialism that though it stands for the struggle of one class (the proletariat in Marxian phraseology) against another (the bourgeoisie) all its greatest leaders have always belonged to the latter. Marx and Engels were of typical bourgeois origin. Both came of the well-to-do middle class families; the one was the son of a lawyer, the other of a cotton spinner. Both were highly educated. And as the founders of Marxism, so have been its prominent supporters in all countries. Bebel, indeed, began life as a wage-earner, but he soon started for himself, and before long became a manufacturing employer. After five-and-twenty years in business he retired and died in very comfortable circumstances. But it is significant that Bebel, who sprang from the proletariat, was never a real Marxian. He was

essentially a politician and a Parliamentary leader of rare capacity, but he had little use for theory, and admits in his autobiography that he could not digest Marx's economics. The working classes in general at this moment are in the same plight; it is the other Marx, if any, who appeals to them, and there are many Socialists, especially here and in the United States, who are not Marxians at all. Even the "free" trade unions of Germany, which come nearest to the faith and have a working alliance with the Socialists, jealously guard their independence. So it comes about that the champions of the proletariat in the class war against the bourgeoisie are themselves bourgeois and in the strange position of preaching a class consciousness which they cannot themselves possess. This, however, is where their faith comes in. They are fighting for others, not for selfish ends, and the massive inertia or positive resistance of their clients is a more formidable obstacle than the opposition of the enemy. They cling to Marxism because they find encouragement in it. How far is their faith justified?

The cardinal virtues of the doctrine in their eyes is its "scientific" character, which lends it logical certainty. The root ideas are that the evolution of society is an orderly process, progressing by definite stages and governed by definite laws, and that the determining elements in this process are economic. The first idea is derived from Hegel, whose influence was still in full swing when Marx studied philosophy at the university; the second is a particular version, or inversion, of the Hegelian theory suggested by Feuerbach's materialism, to which the youthful Marx became a convert. All the rest is built on this purely philosophical basis. The Hegelian process—called "dialectic," because it resembles that of formal logic—postulates three phases of development, namely, affirmation, contradiction, and solution; or thesis, antithesis, and synthesis. That is to say, it consists of two opposites or contradictories, which dissolve into a single proposition; this in turn raises its own contradiction, and the process begins over again. In applying this formula to social evolution Marx found his two contradictories in two classes



of society, differentiated by economic conditions and in a state of antagonism, which is dissolved and the process completed in their union. This constitutes the "economic interpretation of history" and progress by means of the class war. The rest of his theoretical work consists in filling up these formulae with details derived from an examination of past economic relations and an analysis of the present stage of development, which is "capitalism," tracing its origin and nature and deducing from them its inevitable outcome, which is the resolution of the class war between bourgeoisie and proletariat by their union into one, brought about by the collapse of capitalism, on which Mr. and Mrs. Webb lay such stress, and the opening of a new era. A particular feature of the economic analysis is a minute study of the labour theory of value and surplus value to explain the origin and development of capitalism.

From this outline it is easy to understand the impression made by such a combination of first principles and historical facts, presenting an appearance of logical coherence and unassailable certainty. And the impression was deepened by the Darwinian theory of evolution through the struggle for existence. Science became the watchword, intellectual and popular of the day; and the superficial resemblance between Marx's class struggle and Darwin's biological struggle invested the former with the prestige belonging to the latter. But there was more in it than that. The Hegelian conception of history as a logical consecutive process is an illuminating idea, and Marx's insistence on the economic factor was valid up to a point and valuable. Further, his historical researches into the past development of commerce and industry were a real contribution to the subject. Finally, the labour theory of value and the theory of surplus value both have a recognised place in economics, though Marx did much more to confuse than to elucidate them. The former has a long pedigree, reaching back, through Ricardo, Adam Smith, Locke and Petty, to Hobbes; the latter was chiefly set out by William Thompson when Marx was in the nursery. There is, however, much solid material in the Marxian system, and he put it together with great industry and conspicuous ability.

Yet it has not withstood the elements; it has been falsified by the course of events and has crumbled away. The reason is a faulty method of building. Marx began at the wrong end with a ready-made formula. It is the weakness of the philosopher who seeks for a master-key to unlock all doors. In the realm of pure thought that does no harm; but when applied to real life and made the basis of a policy it leads to error and failure, because the master-key will not unlock all doors and its inventor is constrained to tamper with the locks in order to make them fit his key. In other words, he trims the facts to fit his formula; and that is precisely what Marx did. He selected his evidence, exaggerated some factors and ignored others, used the same terms now in one sense and now in another to suit the argument. Science begins with observation, and Marx never attempted it; he studied documents, not life at first hand. If he had studied workmen, for instance, he would have known better than to say that they "have no country" and have been "stripped of every trace of national character," and that their relations to wife and children "have no longer anything in common with the bourgeois family relations." If he had studied the factories of which he wrote so much he would have discovered the founder, in nine cases out of ten, not in a capitalist, but in an exceptionally capable workman, who had become a capitalist by his own exertions and thrift. If he had studied the business of production he would have discovered that what makes all the difference between failure and success is the conduct of the enterprise, which demands a special faculty, and that the man who possesses it is the real mainspring. If he had studied industry and trade and agriculture, he might have corrected the hasty generalisation that the small man was destined to disappear. He correctly noted the accumulation and concentration of capital, but failed to observe the opposite tendency which has produced a multitude of small capitalists and gone so far that the saying of Sir William Harcourt that "We are all Socialists now" may, with equal truth, be exchanged for "We are all Capitalists now."

If he had not been obsessed by his formulae he would

have avoided many untenable propositions, such as the interpretation of history by the economic class warfare and the absurd dichotomy of the population into bourgeoisie and proletariat terms, which in their proper meaning present no true antithesis and which in their distorted Marxian meaning have no equivalent in other languages, because they correspond to no reality. Nevertheless, Marx's name will always remain a landmark. The tide of economic and social development has flowed away from his scientific system and left it derelict. The growth of human knowledge has wrought destruction to the Marxian system: *tempus edax rerum*.

In tidal rivers a curious phenomenon commonly occurs at the turn of the tide. There is a period during which the water runs in opposite directions at the sides and in the middle; the old motion persists in part after the new has begun. This natural phenomenon, familiar to those who occupy their business in such waters, is recalled by the present movement of thought in regard to Marxian Socialism; it is still running at the sides, but is turning back in the middle. That is to say, while it is being spread by systematic propaganda among workmen, it is being rejected by a growing number of former intellectual adherents. This reaction is not confined to Marxian Socialists; the most vehement critics of Socialism in general to-day are disillusioned ex-Socialists. In the Socialists themselves we also perceive another reaction. Men like Mr. Sidney Webb no longer entertain a belief in the State as a highly centralised body, and they are increasingly coming to believe in its decentralisation under the Socialist régime. We are bidden to turn to the local, not to the central, authorities as the boards destined to work out our social salvation. Mr. and Mrs. Webb insist that "the deliberate intensification of this searchlight of published knowledge we regard as the cornerstone of successful Democracy." Is any local body so likely to employ this published knowledge to the same extent as the central body? What they visualise is "a community so variously organised, and so highly differentiated in function as to be not only invigorated by a sense of personal freedom, but also constantly swept by the fresh air of

experiment, observation and verification. We want to get rid of the 'stiffness' of private interests which now infects our institutions, and to usher in a reign of 'Measurement and Publicity.' "

The day when Whitehall was to regulate everything has faded into the dim distance of the past. There is a reaction against the central as well as the sovereign State. Gierke and Maitland have taught us that all systems of law dealing in a practical way with the affairs of men have to recognise the existence of groups of men united, more or less permanently, for all kinds of purposes. There are ordinary trading or business partnerships, and there are, as Figgis delighted in pointing out, clubs of all sorts, cathedral and collegiate churches, churches themselves, committees and trustees administering charities, numerous bodies administering local government from the parish vestry to the Corporation of the city of London, and so on almost indefinitely. The last half century has also witnessed the creation of a countless number of limited liability companies formed for all manner of objects. These associations obtain property, make contracts, and generally acquire legal rights and subject themselves to legal duties with the utmost freedom. What is the legal nature of the groups among themselves? Long ages since the law divided the groups into two classes, and to one of the classes it added the gift of perpetual life. To them it gave the title of corporations, and, according to the legal maxim, a corporation never dies. The citizens of London may die and others spring up in their stead, the shareholders of the Bank of England may die also or sell their shares to others; but from generation to generation, and century to century, the City Corporation and the Bank live on, whatever may befall citizens or shareholders. Further than that, for practical purposes the law treats these corporate bodies as persons, just as if they were living men. If your bank dishonours your cheque, or a municipal tramcar knocks you down and breaks your leg, you cannot claim damages against the individual shareholders or ratepayers—you must sue the Bank or the "Mayor, Aldermen and Burgesses" (such is the official title) of your borough, and these corporations are alone answerable to you.

We have no space to discuss the various legal theories of the corporation—the “fiction” theory, the “concession” theory, and the like, and the consequences that follow their adoption. There is, however, one particular theory that Maitland describes and himself maintains, *viz.*, that the corporation is a “real” person, though a group person, with a real will, though a group will. Such a body has a common life, and then from the very nature of the thing it has added to it the general will (*volonté générale*), which is manifestly of the mental life of the new body, and a thing quite different from the sum total of the individual wills (*volonté de tous*). Plainly the influence of Rousseau in politics is by no means dead, and his distinction is a most useful one. No one who has ever sat on a committee or a board of directors can have failed to notice that every permanent organisation has a feeling, a tradition, an atmosphere, an opinion of its own—in fact, a group-mind which differs from that of any individual member, and is certainly not the same as the sum total of the minds of the individual members. The conception of the corporation is present to the minds of men like M. Duguit in France and Mr. Laski in England. M. Duguit assumes the solidarity of men living in a given social group. Since man lives in society, and since society can subsist only by the solidarity which unites the individuals who compose it, it follows that upon man as a social being a rule of conduct is imposed which obliges him to do only that which tends to promote the social solidarity. Such a rule of conduct is a veritable rule of law. Now, according to Duguit, there are no natural rights inhering in a person irrespective of the law. Law is in fact worked out independently of the State, and is claimed to be true of societies not yet *étatisées*. Law is a spontaneous formation, a natural product of social evolution. If the natural right conception disappears in one form, it reappears in another, a trick it frequently adopts. For with M. Duguit we hear of the existence of law and of rights anterior and superior to law emanating from the State and higher than the rights conferred by the State. Behind the word State he finds only the individual wills of the governors and of the governed. The sovereignty of the State vanishes. From

Bodin to Duguit the wheel has turned full circle. Yet can we substitute for the sovereignty of the State such conceptions as Preuss's "Herrschaft," or Mr. Cole's "democratic supreme court of functional equity," or M. Duguit's "social solidarity"?

At the back of the mind of men like M. Duguit we have to face the fact that there is now a school of political philosophy which advocates the substitution of the direct representation of economic and professional interests in political parties and parliamentary institutions for representation on the basis of territory and population. It is the view of Gumpłowicz and Ratzenhofer in Austria, of Gierke and Krabbe in Germany, of Duguit, Durkheim and Benoist in France, of De Greef and Prins in Belgium, of Maitland, Figgis and Laski in England, and of Bentley and Small in America. These thinkers all alike tend to strengthen the occupational group at the expense of the economic functions of the State. This conception has a long pedigree. Plato and Aristotle grasped the representation of interested groups. Such a type of representation prevailed to some degree in the mediaeval estates and the municipal organisations, and it received a theoretical formulation in the doctrines of the Conciliar Movement. In theory Althusius in the seventeenth century and Mirabeau in the eighteenth revived the idea of a similar arrangement of the different groups that go to the formation of the State. Part of the argument seems to be that the *volonté générale* of the group constrains the individual mind, and accordingly it maintains social control effected mainly by its own solidarity or cohesion. The family is far too small for this purpose and the State far too great. As a proof of the friction at present existing, we hear of the growing prevalence of suicide, crime, the antagonism of capital and labour, social anarchy and general economic malaise. Is not the occupational group well adapted to enforce an adequate type of social control? Is not its control likely to be more agreeable to the individual than the authority now inadequately exercised by the State? Will not the individual always be more conscious of his own interests in the group? Modern life, we learn, in industry is in reality what Hobbes imagined the state of

nature to be, namely, a condition of economic warfare. Will not the group put an end to such a condition?

The historian will advance the plea that exclusiveness and corruption characterised the Roman sodalities, the mediaeval guilds and the mediaeval estates. Such a plea must be taken into account, for it is by the experience of the past that we measure the worth of proposals in the present. Mr. Laski declares that the mediaeval suspicion of pluralism as anarchic has never deserted the modern world, yet the guilds and other corporations of the Middle Ages were never anarchic. They had their own organisation, which was subordinate to that of the community as a whole. Nor did monists like Bodin altogether overlook the arguments of the pluralists that there remain large departments of life outside the life of the State. Bodin noted that limits were placed on the doctrine of sovereignty by divine and natural law, and even Hobbes was careful to indicate that there are certain demands upon the subject that the sovereign cannot rationally make, because the subject cannot rationally be supposed to have surrendered his rights of self-determination in such matters. Grotius and Rousseau recognised similar limits, and Austin is aware that sovereignty is controlled by "principles or maxims" of "the most influential part of the community," and by "opinions and sentiments current in the given community." The pluralists have rendered undoubted service. They can ask such questions as the following: Will not spontaneous action, self-expressive and initiative action, enjoy free play in the group? Do the words "Be it enacted" really make law? Is not society superior to law? Are not the monists committing the mediaeval mistake of confounding society with the State? Is not society distinct from the State? Does not the pluralist idea protect us from the horrors of the Treitschkean conception of the State? Does it not recognise the influence of the complex of opinions, prejudices and desires of social groups?

It is open to the opponents of pluralism also to ask, in their turn, questions. Is the State no more than a liaison officer between different but equal groups? Is it only one in a long series of groups? Does it possess no special

significance in comparison with other groups? Does it possess no special authority in comparison with the others? Is each group, such as a church, a trade union, or a family, in its own sphere independent of the State? Is it only when the groups overstep the boundaries of their spheres that the sovereignty of the State emerges? Does not the State enlarge the domain of sympathy and solidarity? Does not the group system contract both? Have we come to hold *tot sententiae*, *quot societates*? Is the commercial group, the agricultural group, the ecclesiastical group, really as significant as the State? Is the doctrine not fundamentally anarchic? Does it settle such questions as compulsory taxation and citizenship? Is not the unitary State a great time-saver for its members? Does it not set them free for constructive tasks? Mr. Graham Wallas, in *Our Social Heritage*, argues that sectionalism produces group selfishness, conservatism, the rule of mediocrity, inefficiency in the accumulation of socially necessary capital, and the loss of national patriotism and co-operative activity.

Mr. Laski contends that the State does not take its pre-eminence by force, but wins it by consent, a position we can heartily adopt. It is among the limits tacitly recognised by Bodin, the father of unitary sovereignty. In 1672 Sir William Temple, with Hobbes's *Leviathan* in his mind, laid down that "all government is a restraint upon liberty; and under all, the dominion is equally absolute, where it is in the last resort. So that when men seem to contend for liberty, it is, indeed, but for the change of those that rule. . . . Nor, when vast numbers of men submit their lives and fortunes absolutely to the will of one, it should be want of heart, but must be force of custom, or opinion, the true ground and foundation of all government, and that which subjects power to authority. For power arising from strength is always in those that are governed, who are many; but authority arising from opinion is in those that govern, who are few." Sir William proceeds to point out that "the ground upon which all government stands is the consent of the people, or the greatest and strongest part of it." Nor is the doctrine of Hume one whit different.

Mr. Laski is on strong ground when he emphasises the



difficulties in the way of the practical application of the Austinian doctrine of sovereignty, though we wonder if he is right in believing that it breeds servility when men obey it. No doubt in a crisis there is the danger of its authority breaking down. But does this justify us in holding that the State is no more than a corporation among other corporations? Must there not be some ultimate authority in the last resort? Is it possible to federalise the State on the basis of functions? If there are differences among the groups, must not the State, whatever form it takes, possess power to enforce its decisions? If this is so, is it not sovereignty in another form?

The Syndicalists pursue the attack of the pluralists upon the State, even if it assumes a Collectivist form. Syndicalism regards one group, the Trade Union one, as the foundation of the society it seeks to bring into being. The Trade Union is both the foundation of the new society and the instrument whereby it is to be created. Adopting Marxian notions, Syndicalism extends the scope of class war, laying considerable stress on what is called producers' control. The workers who create value should be controllers of society not merely in the economic sphere, but also in the industrial sphere. Practically, there should be no political sphere, for its functions are to be taken over by bodies of producers organised on a vocational basis. The syndicate is the cell of the new order. The local workers in a trade, organised into this unit, will exercise complete control over all matters concerning that trade, but all capital used by the workers will be owned in common by all the syndicates. Pelloutier, one of the Syndicalist leaders, affirms that "the task of the revolution is to free mankind not only from all authority, but also from every institution which has not for its essential purpose the development of production."

Biassed with all their strength against the State, the Syndicalists abhor all manner of political action. How can the State, they argue, built on force and obedience, in which the initiative comes from politicians, rulers and demagogues, agree with a philosophy demanding a minimum of restraint and the initiation of all movements for social improvement by the workers themselves? Whatever is

to be preserved, the State must be destroyed. Its gradual disintegration is inevitable. Its inherent defects will cause a series of violent explosions, each of which will tend to weaken its power. What natural explosions will not effect, artificial ones in the shape of direct action will effect. The employed must wage a never-ceasing warfare with the employers. The weapons are the strike and sabotage. The strike is of course the main weapon. Ultimately there will be a general strike of all the workers. In Sorel's language this general strike is to be a 'myth' to the workers, a myth being an idea which fills men with ardour, as the expectation of Christ's second coming inspired the early Christians. The purpose of the general strike can be fulfilled by lesser ones. For, according to Sorel, sporadic strikes "have engendered in the proletariat the noblest, deepest, and most moving sentiments they possess; the general strike groups them all in a co-ordinated picture, and by bringing them all together, gives to each one of them its maximum intensity. . . . We thus obtain that intuition of socialism which language cannot give us with perfect clearness, and we obtain it as a whole, perceived instantaneously."

There are many forms of sabotage. You can break machinery, you can blow up workshops, and you can blow up recalcitrant workmen along with them. You can persistently turn out bad work, you can spoil work already done, you can obey the letter of all rules exactly and literally in such a way as to prevent industry being carried on, you can use the policy of the label and the boycott, and you can invariably pursue the plan of "ca' canny." Knowledge is decried, for it is always a false ethical guide. It is much better to trust intuition, sentiment, enthusiasm, passion, or even religious fervour, than any form of human wisdom. As there is to be no State, naturally there cannot be any general will; it is a mere "fiction." Majority rule is of course inert, clumsy, conservative, and hence always stands in the way of progress. In the United States ten per cent. of the Syndicalists control the action of the workers.

Among the arguments for the new order is the consideration that it stands as a protection against the corruption of modern politics. Does it not allow of the

development of original dispositions now thwarted? Will it not allay the sense of discontent which threatens the very existence of the State? Does it not substitute an organised and voluntary sovereignty for an external and involuntary one?

On the other hand, its opponents observe that we can over-emphasise the unity and the solidarity of the group. If the porter of a college and the professor belong to the education group, what homogeneity of interest is there between them? May we not obscure the individuality of the units composing it? Will not Syndicalism give rise to competing guild selfishness? Will not such key-industries as the railroads, the mines and the light and power services employ their economic power to increase wages and decrease their hours in these industries? Will not some industries limit the numbers engaged in them and become monopolistic? Will the best business man or the best talker rise to the top? Mr. Wallas defines liberty as the "capacity of continuous initiative." Will syndicalism allow full room for the development of this capacity? Does it not substitute the chaos of particular wills for the cosmos of the general will? Is not a human being a complex of relationships? Do not these diverse relationships require diverse treatment? Will not the separate bodies give rise to confusion, especially in the domain of finance? Does not syndicalism over-emphasise the economic aspects of society? If it encourages local variation, will it not also encourage local anarchy? Did not the absence of a central authority in the Middle Ages encourage strife between the different guilds?

Long ago Burke discerned sectionalism as the enemy. Writing to the Sheriffs of Bristol concerning his membership of the House of Commons, he informed them that "Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates; but parliament is a deliberative assembly of *one* nation with *one* interest, that of the whole; where not local purposes, not local prejudices ought to guide, but the general good resulting from the general interest of the whole. You choose

a member indeed, but when you have chosen him he is not the member of Bristol, but he is a member of parliament."

The objections to Syndicalism do not press with quite the same weight against Guild Socialism. Its aim is to reduce the activities of the State, notably in the field of economic control. Its advocates assume that the gravest evil of the moment is the complete ordering of the working life of man by the capitalists. Mr. Cole holds that "the state should own the means of production, the guild should control the work of production." So the worker will be emancipated from what Mr. Hobson terms slavery or "wagery," which is far worse than poverty, for "poverty is the symptom—slavery is the disease. The many are not enslaved because they are poor; they are poor because they are enslaved." Each industry should organise itself into a guild. No novelist save Mr. Butler, and no guildsman save Mr. Penty, propose that machinery should, in imitation of the mediaeval guild, be discarded for handicraft, and that society should return to small self-sufficing units. The co-ordinating centre of the guild society will be the commune, composed of representatives of the consumers' councils and of the guilds. Mr. Cole's guild state will be practically a federation of groups. We learn that it is by industrial action, not by political, that the guild society will owe its creation. Mr. Cole believes that "apart from capitalistic blunders, a catastrophe will be necessary to end the wage-system." The historian, however, notes that the records of the old guilds are not very encouraging. They soon developed the tendency to change into close oligarchies, which Professor Michels predicates of all democratic groups; and for the most part they ended as close and oppressive corporations. In the heyday of their power their internecine quarrels proved a fruitful source of civil war. Nor is the possibility of similar development under the régime of Guild Socialism altogether remote.

Communism is defined in the Manifesto, the work of Marx and Engels, issued in 1848. It is Socialism accomplished by means of the class war and the revolutionary transference of power to the proletariat. As Engels points out, "the party which has triumphed in the revolution is

necessarily compelled to maintain its rule by means of the fear with which its arms inspire the reactionaries. If the Commune of Paris had not based itself on the authority of the armed people against the bourgeoisie, would it have maintained itself more than four-and-twenty hours?" According to Marx, "in order to break down the resistance of the bourgeoisie the workers invest the State with a revolutionary and temporary form."

Lenin, the genius of the Russian Revolution of 1917, belonged to the bourgeoisie, for his father was director of the high school in the city of Simbirsk. When seventeen, his elder brother was hanged for his share in a student revolutionary movement. When Lenin entered the university he was promptly excluded. Still, after four years of private study he succeeded in passing the examinations for the bar. Shortly afterwards he was arrested in Petrograd for organising a group of workers. After serving a long period in jail, he was exiled to Siberia in the later nineties, where he wrote two books, *The Aim of the Social Democratic Party* and *The Growth of Capitalism in Russia*. As the outcome of their publication, he was forced to fly from his native land, joining the revolutionary group of Russians in Switzerland. In 1903, at a conference of the Social Democratic party, Lenin led a faction which pledged itself to "pure revolutionary action" without any compromise with the bourgeois parties. His faction secured the majority of the delegates, and ever since has been nicknamed the majority, or Bolshevik. "In any and every serious revolution," holds Lenin, "a long, obstinate, desperate resistance of the exploiters, who for many years will yet enjoy great advantages over the exploited, constitutes the rule. Never . . . will the exploiters submit to the decision of the exploited majority without making use of their advantages in a last desperate battle or in a series of battles." Thus "the transition from Capitalism to Communism forms a whole historical epoch."

If the works of Marx and Lenin may be described as the Communist Bible, the *Course of Political Instruction* (*Politgramota*), edited by Bukharin, holds the place of a Communist catechism. Without some knowledge of the

*Politgramota* it is extremely difficult to exist in Soviet Russia and impossible to obtain any Government stipend or post. Rudiments of it are taught in elementary schools and in the "round the fire" talks in the "pioneer" camps. The soldier in the barracks has his "hour of political instruction," and the student's diploma often depends on his progress in that particular branch of learning. No school teacher, from the elementary schools upwards, can obtain a post without a preliminary examination in "politgramota," and it forms one of the principal subjects in the "Soviet Party Schools," where special Communist agitators and responsible workers are trained.

The main point in all Bolshevik propaganda abroad is the inevitability of civil war for the achievement of Communism. When power is won, Bukharin affirms that "the false and treacherous demands of democracy" must be "ruthlessly" swept aside. Freedom of the press, freedom of public meeting, "and so forth"—every medium for the free expression of individual opinion—must be abolished. Bukharin proceeds to show that "the very idea of the possibility of a peaceful subordination of capitalism to the will of the majority of the toilers, through Parliament or a constitutional assembly, or a peaceful transition to Socialism cannot be tolerated." It must be regarded as "a dangerous fraud."

In Russia the Bolsheviks created a very effective secret service organisation. It is called the All-Russian Extraordinary Commission for Fighting Counter-Revolution, Speculation and Sabotage. In the course of two years' work, according to its own record, it suppressed three hundred and forty-four revolts and shot over eight thousand people. None but the faithful belong to it. Among the unfaithful are all who belonged to the capitalist class who are debarred from voting or holding office. Among the disfranchised are the following classes: persons employing hired labour for profit, those living on unearned income, private merchants, the clergy, and ex-police agents.

In spite of an unprecedented Reign of Terror the Bolsheviks have been compelled to abandon their early positions. First they paid a uniform wage. To-day they pay workers according to an output test." First they planned

the confiscation of all factories and their management by the workers. To-day experts, no doubt under the direction of a Supreme Council of National Economy, run the factories. First Communism was to work miracles. To-day the capitalists of Europe are begged to come and run the industries. First there was to be paper money. To-day there is a silver currency. First all bank accounts above a very small amount were confiscated. To-day unlimited deposits are permissible. The most outstanding abandonment of the early position of Bolshevism is to be witnessed in agriculture. First Lenin nationalised it, compelling the peasants to yield all their produce to the Soviets. Nationalisation failed so completely that he was forced to grant private ownership. Individualism has won an absolute triumph. Amazingly enough, the final result of the Russian Revolution in land has been that the mass of the people are more firmly wedded to the idea of private property than ever. The violent adjusters of economic inequality have as a rule been much more successful in injuring their victims than in helping those whom they mean to benefit. One of the exceptions to this rule is the moujik. On the other hand, the townsmen illustrate the working of this rule, for they have suffered—and are suffering—cruelly. Does not science—as well as history—increasingly declare that the worship of the goddess Equality is, as Burke affirmed from the first, a delusion, and its idol an impostor whom Nature knows not?

Marx remained whole-hearted in his convictions to the end of his life. In this respect the master is above his disciples, for the leakage of leaders from the ranks of Socialism is not a little remarkable. In England we have John Burns, George H. Barnes, G. H. Roberts and David Shackleton; in France we have Clemenceau, Millerand, Briand and Viviani; and in Germany we have David, Noske and Scheideman. Once upon a time these were advanced men, yet gradually they assumed a relatively conservative position. To-day we are apt to forget the fact that Clemenceau, for instance, began his long career as a communist. No doubt these men have become disillusioned through the pessimism engendered by the

experience of life. The motive of social service ought to be the common weal, yet somehow in the working of the corporation self-interest seems to prevail. That Fabian Socialist, Mr. Bernard Shaw, believes that democracy is merely the substitution of the incompetent many for the corrupt few. Civic enlightenment is conspicuous by its absence and the existence of this fact gives Mr. Wallas grave concern. Professor McDougall holds that "mankind is only a little bit reasonable, and to a great extent unintelligently moved in quite unreasonable ways." According to Mr. Bernard Shaw, "we must eliminate the Yahoo, or his vote will wreck the commonwealth." Is there truth in his pungent criticism that "there is no sincere public opinion that a man should work for his daily bread, if he can get it for nothing"? An English Guild Socialist like Mr. Cole announces that "in this country at least it is useless to invoke public opinion, because it is selfish, unenlightened and vindictive"; the marks of our people are "narrowness, egoism, and intellectual indolence." When he has demonstrated how little thought actually enters into the political life of the individual, Mr. Wallas urges the social organisation of thought as a method of attaining a more rational basis of behaviour. The truth is that Socialists assume that human nature is malleable, yet trained observers like Mr. McDougall and Mr. Wallas are rather sceptical of its malleability.

Mankind cannot be changed in a day any more than schemes can become successful in a day. Lord Randolph Churchill called Mr. Gladstone an old man in a hurry, and it seems to us that some Socialists are young men in a hurry. It is, as Burke reminds us, by the slow "discipline of nature," that plans at last come to fruition. For the Irish philosopher exclaimed with reason: "Alas! they little know how many a weary step is to be taken before they can form themselves into a mass which has a truly politic personality."

People require knowledge for the guidance of their political life just as much as their leaders require enlightenment. A brilliant American, Mr. Lippmann, postulates the theory that the new ideal can be found in the idea of Mastery—an ever-increasing mastery founded on an ever-increasing



knowledge of man over nature and equally—this is very important—over himself. Let us imagine the vision that it would imply. On the material side we might see disease and suffering reduced to narrower and narrower limits; the soil rendered productive to the utmost limits of its capacity; the amenities of life in town and country made as sweet and wholesome, and therefore as beautiful as art and science can together accomplish; and, above all, as William Morris imagined, the *joie de vivre* made as real in work as in recreation. On the moral side we might see the full and fearless mastery of man over himself; the principle of religion recognised and acted upon; the study of the human intellect, emotions and instincts undertaken in order that their limitations might be guarded against, and their potentialities developed, and institutions adapted to the known needs of human nature, and not constructed to a *priori* principle. Science—that is exact and ordered knowledge in all departments, and not merely the subjects discussed at the meetings of the Royal Society—would be enthroned as the arbiter of affairs, and every problem would be approached upon a foundation of the best knowledge available. One has only to look at any aspect of life to realise how far such an ideal is from being conceived, much less realised; in fact, in many of the most important departments of life exact knowledge is regarded as an impertinence rather than as an essential.

Ordered knowledge forms an ideal, a worthy ideal; so, too, does liberty. The belief of our fathers in liberty seems to have deserted the present generation. Yet its virtues inspired Byron and Shelley and Wordsworth in his loftiest moods as they inspired Godwin and Hazlitt. In Shelley's *Ode to Liberty*, and in a thousand effusions breathing the same spirit, we feel the sense of mankind prematurely entombed shaking off its grave clothes and emerging vigorous and confident to enjoy that life of which authority would cheat it. Passionate utterances for liberty as a blessing in itself are now rare. Do we hear, ask men, in their place loftier strains? Where and what are the poets of authority? Critics observe that Fabian Socialism has been for a quarter of a century the creed of many men of letters, but their lips

have not been touched with the sacred fire. The Russian no doubt hesitates to be openly rapturous over the bonds and shackles, the multitude of punishments, small and great, which are necessary if men are to be drilled into conformity with his system. The rage for controlling everything and everybody, men note, along with the presence of the anarchical spirit forms a characteristic of our age. Yet those who are most active in promoting the incessant interference of the bureaucrat are the first to disregard these restrictions when in conflict with their own interests. It is the soil upon which flourishes the irreconcilable, the impracticable enthusiast who must have his way, even if society be wrecked. It is also the soil that seems to refuse to nourish the feeling for liberty. The deepest and most enduring matters always find fit poetic utterance. What the poet does not sing does not last.

Mazzini felt impressed by the inestimable spiritual dignity and incalculable moral worth of each individual member of the human race. With the same sense of ethical value Kant contended that each man was an end in himself, and not a mere means to some other end, however exalted. "In conception at least," Professor Dewey powerfully maintains, "democracy approaches most nearly to the ideal of all social organisation, viz., that in which the individual and society are organic to each other. . . . The individual embodies and realises within himself the spirit and will of the whole organism. . . . The individual is society concentrated; he is the local manifestation of its life. . . . Thus every citizen is a sovereign; a doctrine which in grandeur has but one equal in history, viz., that every man is a priest of God."

Idealism in politics has enlisted such adherents as T. H. Green, Bernard Bosanquet, F. H. Bradley, William Wallace, R. L. Nettleship, and the two Cairds. Whatever we may think of its purely philosophical position, we can cordially assent to the proposition of Bosanquet that what we are to work for is a purification of the will of the State. States in which the supreme, non-competitive, humanising values—knowledge, art, religion, human sympathy between classes—are dominant in the lives of their citizens will live in peace with one another. According to Bosanquet "the Kingdom

of God has come on earth in every civilised society where men live and work together, doing their best for the whole society and for mankind. When two or three are gathered together, co-operating for a social good, there is the Divine Spirit in the midst of them." In short, the State for man can become a spiritual phenomenon, and citizenship can form a great spiritual experience. For, as Horace Bushnell put it, the soul of all improvement is the improvement of the soul.

In spite of the competing loyalty of the group, the completing loyalty is that of the State. In a past generation T. H. Green can tell us that "the State is for its members the society of societies—the society in which all their claims upon each other are mutually adjusted." In the present generation Mr. Barker can tell us that "the State is the neutral, impartial mediating authority which corrects the individualisms of society in the light of the common interest of which it is the incarnate representative." Whatever else the World War has proved, it certainly has proved that the force behind the State has not perceptibly weakened. "The sentiment of nationality is," according to Mr. Zimmern, ". . . stronger at this moment than it has ever been. It is one of the strongest forces in our modern life. Few other forms of corporate feeling have a firmer or deeper hold on men's minds. Socialism has not; nor has Internationalism. I doubt even if it can be claimed for religion."

We paraphrase the dictum of Louis XIV and thank him for it: "The State, we are it." Our State, however, is one founded upon the conception on which Mazzini and Green laid so much stress, the conception of duty, not of right or rights. In such a State, as Milton put it, we "place every one his private welfare and happiness in the public peace, liberty and safety." In the striking words of Schelling, "man can only give *himself* to his creatures as he gives a *self* to them, and with it the capacity of participating in his own life." The wise man lives by the laws of a city in the heavens which is not and cannot be realised anywhere on earth—a city which, in Tennyson's language,

is built  
To music, therefore never built at all  
And therefore built for ever.

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## Chronology of Writings

### B.C.

- 830–820. Date assigned by Thucydides to the legislation of Lycurgus.
- 660. Zaleucus gave the Locrians the oldest written laws known to Greece.
- 640. Charondas gave laws to Catana.
- 620. Laws of Draco at Athens.
- 594. Solon's legislation.
- 509. Constitution of Cleisthenes.
- 399. Death of Socrates.
- 387. Possibly the composition of Plato's *Republic* is begun.
- 338. Philip's victory of Chaeronea, fatal to liberty.
- 335. Aristotle's *Politics* delivered as lectures.
- 55 (*circa*). Cicero's *De Republica*.

### A.D.

- 413–28. St. Augustine's *De Civitate Dei*.
- 520 (*circa*). Boethius's *De Consolatione Philosophi*.
- 600. Isidore made Bishop of Seville.
- 845–82. Hincmar Archbishop of Rheims.
- 1080–1085 (*circa*). Manegold's *Ad Gebehardum Liber*...
- 1159. The *Polycraticus* of John of Salisbury completed.
- 1244. Bracton one of the Justices Itinerant.
- 1260–70. William of Moerbeke's translation of the *Politics* into Latin.
- 1264. *Song of Lewes*.
- 1266. St. Thomas Aquinas's *De Regimine Principum*.
- 1280 (*circa*). Aegidius Romanus's *De Regimine Principum*.
- 1300. Pierre Du Bois's *De Abbreviatione*.
- 1306. Pierre Du Bois's *De Recuperatione Terrae Sanctae*.
- 1311 or 1312. Dante's *De Monarchia* composed in exile.
- 1324. Composition of Marsiglio's *Defensor Pacis*.
- 1330. William of Ockham's *Opus nonaginta Dierum*.
- 1338. William of Ockham's *Super potestate summi pontificis octo quaestionum decisiones*.
- 1346. William of Ockham's *Dialogus*.
- 1373. Oresme's *Tractatus*.
- 1377. Wyclif's *De Dominio Civili*.
- 1379. Wyclif's *Speculum Militantis Ecclesiae*; his *De Officio Regis*.

1383. Wyclif's *Dialogus*.
- 1430 (*circa*). Lionardo Aretino's translation of the *Politics*.
1442. Fortescue Chief Justice of the King's Bench.
1460. Ficino begins his translation of Plato.
- 1461-63. Fortescue's *De Natura Legis Naturae*.
- 1471-76. Fortescue's *On the Governance of England*.
- 1495-98. First printed edition of the *Politics* (the Aldine Ed.).
1513. Machiavelli composed *The Prince*, which is published in 1532.
1516. More's *Utopia*.
1520. Luther's *To the Christian Nobility of the German Nation*, his *Babylonish Captivity*; his *Freedom of a Christian Man*.
1523. Luther's *On the Secular Power: How far obedience is due to it*.
1527. Machiavelli's *History of Florence*.
1528. Tyndale's *Obedience of a Christian Man*; his *How Christian Rulers ought to govern*.
1532. More's *Confutation of Tyndale's Answer*.
1536. Calvin's *Institutes of the Christian Religion*.
1539. Melancthon's *Ethicae Doctrinae Elementa*.
1554. Castellion's *Traicte des Hérétiques*; Beza's *Concerning the Duty of Punishing Heretics by the Civil Magistrate*.
1556. Poynet's *Short Treatise of Politique Power*.
1557. Victoria's *Relectiones*.
1558. Goodman's *How Superior Powers ought to be obeyed*; Knox's *First Blast against the Monstruous Regiment of Women*.
1560. Hotman's *Epistre envoyee au Tigre de la France*.
1566. Bodin's *Methodus ad facilem Historiarum Cognitionem*.
1568. Bodin's *Réponse à M. de Malestroit touchant le fait des monnaies*.
1571. Gentillet's *Anti-Machiavel*.
1573. Hotman's *Franco-Gallia*.
1574. Beza's *De Jure Magistratum*; the *Réveille-Matin des Français*.
1575. Calvin's *Letter on Usury*.
1576. La Boétie's *Contre-Un*.
1577. Bodin's *La République*.
1579. Duplessis-Mornay's *Vindiciae contra tyrannos*; Buchanan's *De Jure Regni apud Scotos*; Paruta's *Perfezione Politica*.
1581. Ayala's *De Jure et officiis bellicis et disciplina militari*.
1582. R. Browne's *Treatise of Reform*.



1583. Sir T. Smith's *Commonwealth of England*.
1586. Latin translation of Bodin's *La République*.
1588. Boucher's *De Justa Abdicatione Henrici*; Gentilis's *De Jure Belli libri tres*.
1589. Erastus's *An Examination of that most grave question . . . Excommunication*.
1592. Rosseus's *De justa rei publicae in reges impios et haereticos auctoritate*.
1593. The *Satire Menippée*; Molina's *De Justitia et Jure* (Pt. i.) Pt. ii. appeared in 1600.
1594. The first part of Hooker's *Of the laws of Ecclesiastical Polity*; Pithou's *Libertés de l'Eglise Gallicane*.
1598. James I's *True Law of Free Monarchies*.
1599. Mariana's *De Rege et regis institutione*; James I's *Basilicon Doron*.
1600. Barclay's *De regno et regali potestate adversus monarchomacos*.
1603. Althusius's *Politica Methodice Digesta*.
1607. Hall's *Mundus alter et idem*.
1608. Kirchner's *Respublica*.
1609. Grotius's *Mare Liberum*.
1611. Bellarmine's *De potestate summi Pontificis*.
1612. Suarez's *De Legibus ac Deo Legislatore*.
1623. Campanella's *Civitas Solis*.
1625. Grotius's *De Jure Belli et Pacis*; Linnaeus's *Juridica de majestate*.
1629. Hobbes's Translation of *Thucydides*.
1632. Lebre's *La Souveraineté du Roy*.
1640. Hobbes's *De Corpore Politico*.
1641. De Marca's *Concordia Sacerdotii et Imperii*.
1642. Hobbes's *De Cive*.
1643. Prynne's *Sovereign Power of Parliament*.
1644. Williams's *Bloody Tenet of Persecution*; Milton's *Areopagitica*; Rutherford's *Lex Rex*.
1647. Jeremy Taylor's *Liberty of Prophesying*; Chemnitz's *De Ratione Status*.
1649. Milton's *Tenure of Kings and Magistrates*.
1651. Milton's *Defensio pro Populo Anglicano*; Hobbes's *Leviathan*.
1652. Winstanley's *Law of Freedom*.
1654. Milton's *Defensio Secunda*; Conring's *De Finibus Imperii Germanici*.
1656. Harrington's *Oceana*.
1660. Milton's *Ready Way*.

1665. Boxhorn's *Institutionum politicarum libri duo*.
1667. Pufendorf's *De Statu Imperii Germanici*; Leibniz's *New Methods of Jurisprudence*.
1668. Hobbes's *Behemoth: History of the Causes of the Civil Wars in England*.
1670. Spinoza's *Tractatus Theologico-Politicus*.
1672. Pufendorf's *De Jure Naturae et Gentium*.
1677. Spinoza's *Tractatus Politicus*.
1680. Filmer's *Patriarcha* published.
1681. Samuel Johnson's *Julian*; Hickes's *Jovian*; Sherlock's *Case of Resistance*; Neville's *Plato Redivivus*.
1689. Halifax's *Character of a Trimmer*.
1690. Locke's *Two Treatises of Civil Government*; his *Letters on Toleration*.
1697. Shaftesbury's *Enquiry on Virtues Merit*.
1698. Toland's *Anglia Libera*; Sidney's *Discourses concerning Government*.
1711. Fénelon's *Plan de Gouvernement*; Shaftesbury's *Characteristics of Men and Manners*.
1713. The Abbé Saint Pierre's *Projet pour la Paix Perpetuelle*.
1718. The Abbé Saint Pierre's *Discours sur la Polysynodie*.
1720. Vico's *De Uno Universi Juris Principio*.
1721. Montesquieu's *Lettres Persanes*; Wolff's *Politics*.
1725. Vico's *Scienza Nuova*.
1734. Montesquieu's *Considérations sur la Grandeur et la Décadence des Romains*.
1737. Bynkershoek's *Quaestiones Juris Publici*.
1738. Bolingbroke's *Patriot King*.
1740. Wolff's *Jus Naturae*; Frederick the Great's *Anti-Machiavel*; Hume's *Treatise on Human Nature*.
1741. Hume's *Essays*.
1747. Burlamaqui's *Principes du Droit Naturel*.
1748. Montesquieu's *Esprit des Lois*; Hume's *Enquiry concerning Human Understanding and the Principles of Morals* (1748-51).
1749. Hartley's *Observations on Man*.
1750. Turgot's *Progrès Successif de l'Esprit Humain*.
1751. Rousseau's first *Discours sur les Sciences*.
1752. Achenwall's *European Constitutions*.
1754. Rousseau's *Origine de l'Inégalité*.
1755. Brissot's *Recherches sur la Propriété*; Morellet's *Code de la Nature*; Rousseau's second *Discours sur l'inégalité* and his *Economie politique*; Hutcheson's *Moral Philosophy*.

- 1759. Moser's *Master and Servant*; A. Smith's *Theory of Moral Sentiments*.
- 1761. Wallace's *Prospects of Mankind*.
- 1762. Rousseau's *Contrat Social*.
- 1763. Mably's *Entretiens de Phocion*; Febronius's *De Statu Ecclesiae*.
- 1764. Rousseau's *Émile*; Beccaria's *Crimes and Punishment*.
- 1765. Blackstone's *Commentaries on the Laws of England*; Otis's *Rights of the British Colonies*.
- 1766. Ferguson's *Essay on Civil Society*.
- 1770. Burke's *Thoughts on the Cause of the present Discontents*.
- 1771-2. Rousseau's *Gouvernement de Pologne*.
- 1774. Cartwright's *American Independence the Glory and Interest of Great Britain*; Burke's *Speech on American Taxation*.
- 1775. Burke's speech on moving his resolutions for conciliation with America; Delolme's *Treatise on the English Constitution*.
- 1776. Bentham's *Fragment on Government*; Paine's *Common Sense*; Smith's *Wealth of Nations*.
- 1781. Rousseau's *Confessions*.
- 1785. Paley's *Moral and Political Philosophy*.
- 1787. J. Adams's *Defence of the Constitution of Government of the United States of America*.
- 1787-8. *The Federalist*, written by Hamilton, Madison and Jay.
- 1789. Sièyes's *Qu'est-ce que Le Tiers État?*; Malouet's *Considérations sur le Gouvernement*; Bentham's *Principles of Morals and Legislation*; Martens's *Précis du Droit des Gens Modernes*.
- 1790. Burke's *Reflections on the Revolution in France*.
- 1791. Mackintosh's *Vindiciae Gallicae*; Paine's *Rights of Man*; Burke's *Appeal from the New to the Old Whigs*; his *Letter to a Member of the National Assembly*; Humboldt's *Attempt to determine the Limits of the Functions of the State*.
- 1793. Condorcet's *Tableau du Progrès de l'Esprit Humain*; Godwin's *Political Justice*; Mallet du Pan's *Considérations sur la Révolution Française*.
- 1794. Fichte's *Rectification of Public Opinion*.
- 1795. Kant's *Perpetual Peace*.
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